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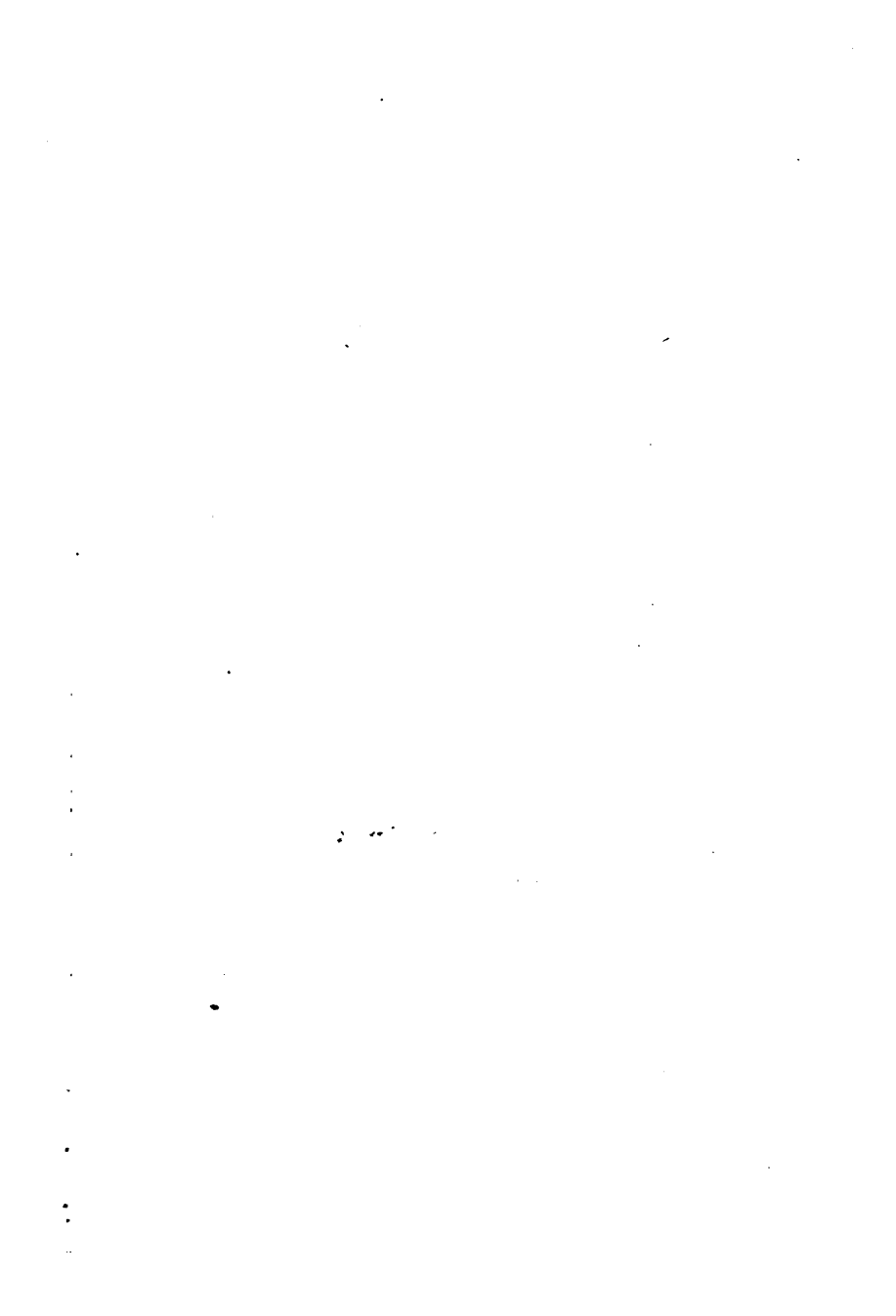
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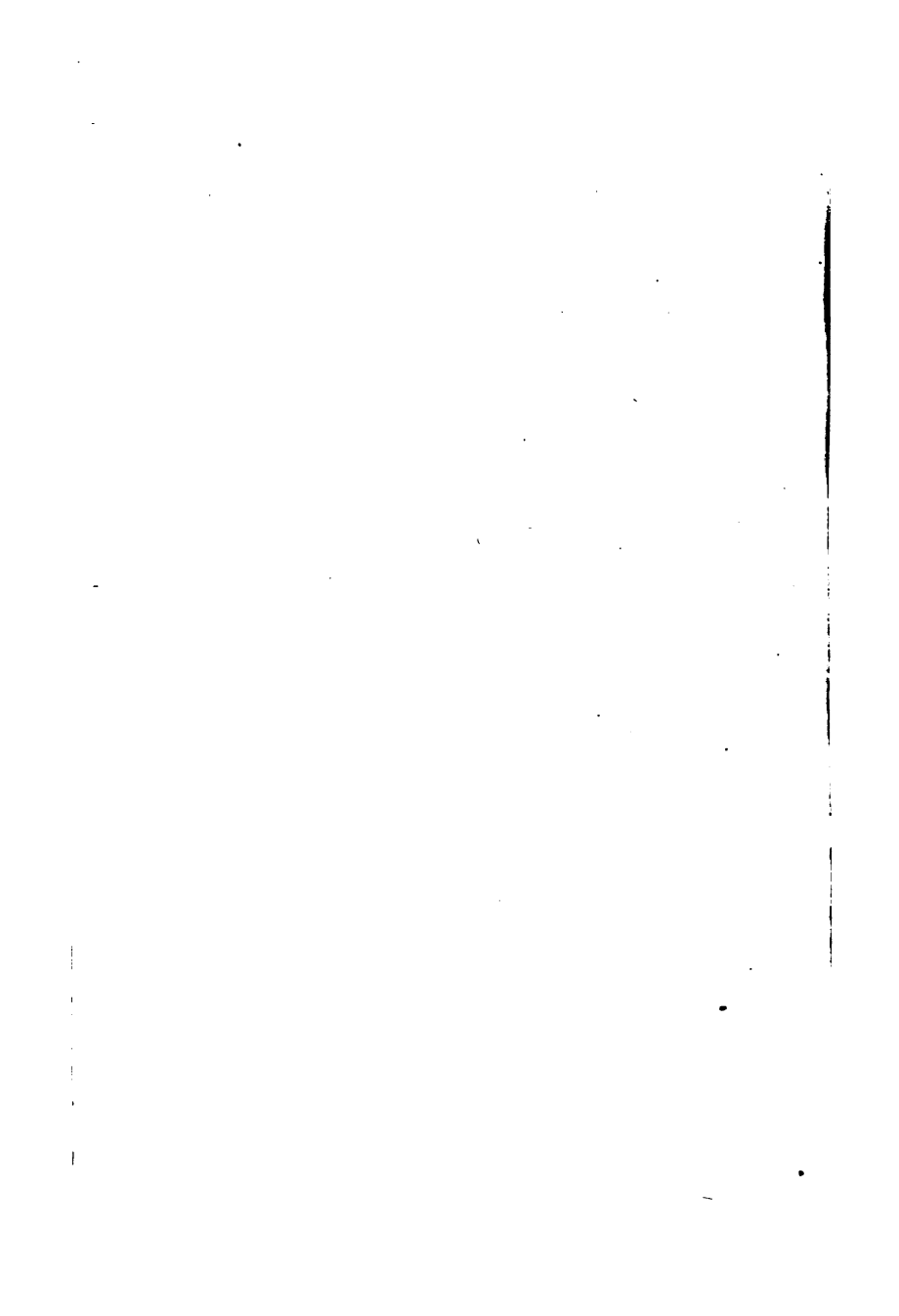
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SUPPLEMENT
TO
DEERING'S
GENERAL LAWS
OF
CALIFORNIA

(Issued in 1903)

THE AMENDMENTS TO THE GENERAL LAWS ENACTED
AT THE LEGISLATIVE SESSION OF 1905, WITH, CITATIONS OF THE SUPREME COURT OF CALIFORNIA,
FROM VOLUMES 138 TO 145, INCLUSIVE,
OF CALIFORNIA REPORTS

BY
JAMES H. DEERING

SAN FRANCISCO
BANCROFT-WHITNEY COMPANY

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SUPPLEMENT
TO THE
CODES AND STATUTES
OF
CALIFORNIA
WITH CITATIONS OF DECISIONS

GENERAL LAWS

ADULTERATION.

ACT 35.

To provide against the adulteration of food and drugs.
[Stats. 1895, p. 71.]

This act is in full in the Appendix to the Penal Code, 1903, p. 557.

Codified in part by amendment of Penal Code, adopted 1905. See Penal Code Supp., § 383, note.

ADULTERY.

ACT 49.

Adultery, act to punish. [Stats. 1871-2, p. 380.]

This act appears in full in the Penal Code, 1903, Appendix, p. 560.

Codified by amendment of Penal Code, adopted 1905. See Penal Code Supp., § 269a, note.

AGRICULTURE.

ACT 62.

To provide for the improvement of the cereal crops of California and appropriating money therefor. [Stats. 1905, p. 128.]

General Laws—1

This act provided for investigation and experiments under the direction of the director of the agricultural experiment station of the University of California.

ACT 63.

An act making an appropriation for the erection and construction of buildings and equipping the fair grounds owned by or under the jurisdiction and control of the California State Agricultural Society, for exposition and state fair purposes and for the payment of other expenses incidental and relating thereto, prohibiting gambling of all kinds upon the grounds and premises under the control of said California State Agricultural Society, and providing a penalty for gambling or gaming thereon, and providing that certain moneys now in the state treasury may be used in connection with this appropriation for such purposes. [Stats. 1905, p. 793.]

ANIMALS.**ACT 178.**

An act to prevent the spread of contagious diseases among animals.

[Approved March 20, 1905. Stats. 1905, 317.]

Section 1. Any person having the care, custody or control of any animal that dies from tuberculosis, glanders, farcy, Texas fever, or other infectious disease, shall immediately upon the death of such animal cremate or bury the same, or cause the same to be cremated or buried.

Sec. 2. Any common carrier of persons or freight that shall transport any animal suffering with or that has died from the diseases, or any of them, mentioned in section 1 of this act a greater distance than is necessary to transport such animal to the nearest crematory, shall be deemed guilty of a misdemeanor.

Sec. 3. No animal that has died of any of the diseases named in section one of this act, shall be sold, used or permitted to be used for the food of human beings or sold, used or permitted to be used for the food of any domestic animal or fowl.

Sec. 4. Any person, firm or corporation that shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be punished by a fine of not less than \$50 and not more than \$500,

or by imprisonment in the county jail for a term not exceeding 180 days, or by both such fine and imprisonment.

Sec. 5. This act shall take effect immediately.

ACT 179.

To prevent the spread of contagious and infectious diseases among domestic animals. [Stats. 1893, p. 302.]

This act is in full in the Appendix to the Penal Code, 1903, p. 571.

Codified by amendment of Penal Code, adopted 1905. See Penal Code Supp., § 402d, note.

ACT 180.

To protect domestic livestock from contagious and infectious diseases, to provide for the appointment and duties of officials to carry into effect the provisions of this act, and to provide an appropriation therefor. [Stats. 1899, p. 129.]

Amended 1905, 423.

This act created the office of state veterinarian.

APPRENTICES.

ACT 212.

Apprentices and masters, act relative to. [Stats. 1875-6, p. 842.]

Amended 1880, 28.

This act appears in full in Civil Code, 1903, Appendix, p. 668.

Codified by amendments of Civil Code, adopted 1905. See Civil Code Supp., § 264, note.

BANKRUPTCY AND INSOLVENCY.

ACT 282.

For the relief of insolvent debtors. [Stats. 1880, p. 82.]

Amended 1891, 511; 1893, 45. Repealed 1895, 131.

Supp. Cal. Rep. Cit. 141, 76; 141, 77.

ACT 283.

For the relief of insolvent debtors, for the protection of creditors and for the punishment of fraudulent debtors. [Stats. 1895, p. 131.]

Amended 1897, 35. Superseded by the federal law.

Supp. Cal. Rep. Cit. 138, 739; 138, 740; 138, 742; 139, 259; 139, 260; 139, 356; 139, 357; 139, 358; 139, 359; 139, 360; 139, 361; 141, 99; 141, 100.

BANKS AND BANKING.**ACT 288.**

To provide for the formation of corporations for the accumulation and investment of funds and savings. [Stats. 1862, p. 199.]

Amended 1863-4, 158, 531; 1865-6, 626; 1869-70, 180; 1871-2, 132. Supplemented 1867-8, 459.

Supp. Cal. Rep. Cit. 144, 222; 144, 226; 144, 227.

ACT 292.

To compel savings banks to publish a sworn statement of unclaimed deposits. [Stats. 1893, 183.]

This act appears in full in Civil Code, 1903, Appendix, p. 674. Codified by amendment of Civil Code, adopted 1905. See Civil Code Supp., § 583b, note. Repealed 1905, 582.

ACT 293.

To compel all depositaries of money and commercial banks to publish a sworn statement of all unclaimed deposits. [Stats. 1897, p. 27.]

This act appears in full in Civil Code, 1903. Appendix, p. 675. Codified by amendment of Civil Code, adopted 1905. See Civil Code Supp., § 583b, note. Repealed 1905, 582.

ACT 295.

Creating a board of bank commissioners. [Stats. 1877-8, p. 740.]

Amended 1887, 90; 1895, 172; 1901, 80. Repealed 1903, 73.

Supp. Cal. Rep. Cit. 141, 78; 145, 706; 145, 710; 145, 711.

ACT 296.

Creating a board of bank commissioners, and prescribing their duties and powers. [Stats. 1903, 365.]

Amended 1905, 804.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 45.

BENEFIT SOCIETIES.**ACT 312.**

Mutual benefit and relief associations. [Stats. 1873-4, p. 745.]

Amended 1880, 25; 1901, 6.

This act appears in full in Civil Code, 1903, Appendix, p. 678. Codified by amendments of Civil Code adopted 1905. See Civil Code, Supp. § 452a, note.

Supp. Cal. Rep. Cit. 142, 491; 142, 492; 142, 493; 142, 495; 142, 496.

BONDS.

ACT 368.

An act making the cost of certain bonds of receivers, assignees, trustees, guardians, administrators and executors chargeable to a certain extent against the trust estate.

[Approved March 20, 1905. Stats. 1905, 477.]

Section 1. Any receiver, assignee, trustee, guardian, administrator or executor required by law or by the order of court to give a bond as such, shall be allowed as part of the lawful expense of executing his trust, the sum paid for such bond, not exceeding, however, one half ($\frac{1}{2}$) of one (1) per cent of the amount of such bond, for each year that the same shall remain in force.

BUILDING AND LOAN ASSOCIATIONS.

ACT 429.

An act creating a bureau of building and loan supervision; providing for the appointment of administration officials therefor to be known as the building and loan commissioners; prescribing their duties, powers and compensation; providing for a secretary, his powers and compensation; providing for the rental of offices for the use of the bureau and for traveling and office expenses; providing a system for licensing building and loan and other associations, and for assessing and collecting the license fees necessary to meet the salaries and other expenses; providing a course of procedure where violations of law, or unsafe practices are found to exist, or are reported by the commissioners to the attorney-general; providing for involuntary liquidation by trustees, and proceedings in connection therewith; providing for exemption of property of associations in liquidation from attachments, executions and liens, pending liquidation; providing for and requiring associations to procure licenses, pay assessments levied for pro-rata of salaries and expenses, and to make and file reports; providing penalties for violations of law and orders of the com-

missioners; providing for succession in office, and repealing all acts and parts of acts in conflict herewith.

[Approved March 21, 1905. Stats. 1905, 659.]

Section 1. There is hereby created a bureau, to be known and designated as the "Bureau of Building and Loan Supervision," with powers of supervision, examination and license of all building and loan associations, mutual loan associations, co-operative home associations, and all other corporations, associations and societies, whenever, wherever and however formed, which, in the judgment of the administration of said bureau are based, or are operating on plans or methods similar to building and loan associations as defined in section 648 of the Civil Code; it is also charged with the enforcement of all laws designed for the formation, government or operation, in this state, of any such association, corporation or society.

Sec. 2. The administration of said bureau shall be vested in two commissioners, to be known and designated as the "Building and Loan Commissioners," who shall be appointed by the governor (except as herein provided) and commissioned to hold office for the term of four years and until their successors shall be appointed and have qualified. They must be citizens of this state and residents of different counties; and they must not be in any way connected with any association, corporation or society coming under their supervision. They shall be authorized and empowered to appoint a secretary, with powers of examination the same as their own, who must be a practical, skilled accountant, fully conversant with building and loan accounts.

Sec. 3. The commissioners shall each receive a salary of twenty-four hundred dollars per annum, and their secretary shall receive a salary of not exceeding eighteen hundred dollars per annum. There shall also be allowed and paid the necessary traveling expenses of the commissioners and their secretary, not to exceed the sum of eight hundred dollars per annum. The commissioners shall procure and have an office in the city of San Francisco, for which there shall be allowed and paid a rental of not exceeding fifty dollars per month, and such office shall be kept open for business, every business day, during such hours as are commonly observed by the banks of that city as banking hours; they may also provide such fuel, stationery, printing, postage, office help and other necessary conveniences as may be requisite in

such office, at a cost not to exceed, in the aggregate, the sum of five hundred dollars per annum. All said salaries and expenses shall be audited and paid in the same manner as the salaries and expenses of other state officers.

Sec. 4. Before entering upon their respective duties the commissioners must each execute an official bond in the sum of five thousand dollars and the secretary a like bond in the sum of two thousand dollars, and each must take the oath of office as prescribed by the Political Code for state officers in general.

Sec. 5. It shall be the duty of the commissioners to furnish to all associations, corporations or societies, which, in their judgment, legally come under their jurisdiction, and that have otherwise complied with the requirements of law, a license authorizing them to transact business for one year from the date of said license; to receive and place on file in their office the annual or other reports required by law to be made by building and loan associations or other corporations or societies licensed by them; to supply each with blank forms for such statements; and to make, on or before the first day of October in each year, a tabulated report to the governor of this state, showing the condition of all such associations, corporations or societies reporting to them, with such recommendation as they may deem proper, accompanied by a detailed statement of all moneys received by them since their last report, and the disposition thereof.

Sec. 6. It shall be the duty of one or both of the commissioners, in person, at least once in each year, without previous notice, to visit and examine into the affairs of every such association, corporation or society licensed by them, incorporated or doing business in this state; on such occasions they shall have free access to all the books, records, securities and papers of every such association, corporation or society and shall first count the cash and check the bank balance of such corporation or association with the proper amount of funds as shown by the books to be on hand and at the date and hour of such examination, and shall then examine and verify the books, accounts, and securities, and, so far as possible and consistent, the values of all property owned or held as collateral security for moneys loaned, and otherwise use reasonable diligence to ascertain the financial condition and solvency thereof. They and their secretary shall have power to administer oaths in the line of duty,

and to examine under oath the officers, employes and agents, or the custodian or receiver, relative to any or all the business thereof. The commissioners or their secretary or representative shall receive for any examination into the books and affairs of any such association, corporation or society formed outside of the State of California and applying for a license to do business in this state, their reasonable expenses, which shall be paid by the association, corporation or society so examined; *provided*, that they may accept the result of any such examination made by the duly constituted authorities of any state having similar laws of supervision.

Sec. 7. To facilitate the examinations specified in the foregoing section, they shall require every such association, corporation or society to keep its books in such form as to accurately show its assets and liabilities in detail and to keep records written in ink, showing the appraised and assessed values of the real estate security held in connection with each loan, and signed in each case by the appraiser, officer or committee charged with making such estimated valuations. The commissioners shall make a revaluation of the real estate owned, and of the other securities of any such association, corporation or society licensed by them, on which the loan payments may be delinquent for six months or more, and may, for that purpose, appoint local appraisers, who shall be disinterested persons, at the expense of such association, corporation or society; the expense of such appraisement to be fixed by the commissioners, but not to exceed the sum of five dollars for property located outside of any incorporated limits and three dollars for property located inside of any incorporated limits for each property so examined and appraised. Each appraiser so appointed shall be required to make a sworn report to the commissioners of his estimated valuations of all property so examined and appraised.

Sec. 8. The commissioners shall have power to issue subpoenas and require attendance of any or all trustees, or agents of any such association, corporation or society, and such other witnesses as they may deem necessary, in relation to its affairs, transactions and condition, and any such person so served with such subpoena may upon application of the commissioner be required by order of the superior court of the county where the corporation, association or society has its principal place of business, to appear and answer

such pertinent questions as may be put to him by such commissioner and be required to produce such books, papers or documents in his possession as may be required by such commissioner.

Sec. 9. If the commissioners, upon any examination, or from any report made to them or to the shareholders, shall find that any association, corporation or society licensed by them, is violating the provisions of its charter or of the laws of this state provided for its government, or is conducting its business in an unsafe or unauthorized manner, they may, by an order addressed to the association, corporation or society so offending, direct a discontinuance of such violations or unsafe practices and a conformity with all the requirements of law; and if such association, corporation or society shall refuse or neglect to comply with such order within the time specified therein; or if it shall appear to the commissioners, in their opinion, that any such association, corporation or society is in an unsafe condition, or is conducting its business in an unsafe manner, such as to render its further proceeding hazardous to the public or to those having funds in its custody, they shall notify the attorney-general of such facts and furnish him with a statement showing its condition, as the same may have been found to exist; at the same time they shall notify the officers of such association, corporation or society of the fact of such report having been made and direct them to cease the transaction of any new business, and to hold all moneys, securities and property intact, pending the action of the attorney-general on such report. The attorney-general shall thereupon apply to the superior court, of the county in which such association, corporation or society has its principal place of business, to issue an injunction restraining it, in whole or in part, from further proceeding with its business until a hearing can be had. Such court may, in such application, issue such injunction, and after a full hearing, may dissolve or modify it, or make it perpetual, and may make such orders and decrees according to the course of proceedings in equity, to restrain or prohibit the further prosecution of business by such association, corporation or society, as may be needful in the premises; and may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the court; or it may, by its decree, order and direct that, in lieu of the appointment of a receiver, the business and af-

fairs be liquidated by a board of trustees equal in number to the board of directors, to be elected by the shareholders, at a meeting thereof, to be called for such purpose and held within two weeks from and after the first Monday succeeding the date of such order and decree; such meeting to be called and held on the order of the commissioners, one of whom shall be present and preside until such election shall be had; whereupon he shall report the result to the proper court, and thereupon the term of office of the existing board of directors and of all the officers shall cease and determine. Such board of trustees, when so elected, shall at once assume office and have possession and control of all the property and assets for the purpose of liquidation; and such liquidation shall be conducted by such board under the supervision of the commissioners, who shall have full power to limit the time within which it shall be accomplished, and to limit the number of employés and the salaries and expenses that shall be allowed and paid. The issuance of an injunction, in the manner herein provided, shall operate to dissolve or stay any and all attachments or executions initiated or levied within thirty days next preceding the date of notification of the attorney-general by the commissioners; and, pending the process of liquidation as ordered by the court, no attachment or execution shall be levied, nor lien created, upon any of the property of such association, corporation or society.

Sec. 10. Whenever a receiver or receivers are appointed, or trustees elected in lieu thereof, the commissioners shall require the president and secretary of such association, corporation or society to, and such officers shall, make a schedule of all its property and make oath that such schedule sets forth all the property which such association, corporation or society owns or is entitled to, and deliver said schedule and possession of the property to the receivers or to the trustees, and a copy of such schedule to the commissioners, who may at any time examine under oath such president and secretary, or other officers, to determine whether or not all the property which such association, corporation or society owns, or is entitled to, has been transferred to such receivers or trustees.

Sec. 11. The commissioners shall, at least once in each year and as much oftener as they may deem expedient, examine the accounts and doings of receivers or trustees, and shall carefully examine and report on all accounts and

reports made to the proper court, and, for the purposes of this section, shall have full and free access to all the books, accounts and vouchers relating to any such liquidation.

Sec. 12. Upon the certificate, under oath, of any ten or more officers, trustees, creditors, shareholders or depositors of any such association, corporation or society, setting forth their interest and the reason for the making of such examination, directed to the commissioners, and requesting them so to do, they shall forthwith make a full investigation of its affairs, in the manner provided.

Sec. 13. If either of the commissioners, having knowledge of the insolvent condition, or of any violation of law or unsafe practice of any such association, corporation or society under their supervision, such as renders, in their opinion, the conduct of its business hazardous to its shareholders, creditors or depositors, shall fail to take the proper action required by this act, or shall refuse or neglect to perform the official duties pertaining to his office, then upon conviction thereof the office of such commissioner shall be declared vacant by the governor, and a successor be appointed to fill the unexpired term.

Sec. 14. To meet the salaries and expenses provided for by this act, the commissioners shall require every association, corporation or society licensed by them or coming under their supervision to pay in advance, to them, and prior to the issuance of any license, its pro rata amount of all such salaries and expenses, and it is hereby made the duty of every such association, corporation or society to pay the same; such pro rata shall be fixed and determined by the proportion which its assets bear to the aggregate assets of all such associations, corporations, or societies, receiving licenses, as shown by the last reports of such corporations, associations, or societies to the commissioners. On or before the thirtieth day of December, in each year, the commissioners shall notify each of such associations, corporations or societies, through the United States mail, of the amount assessed and levied against it and that the same must be paid within twenty days thereafter; and should payment not be made to them within said twenty days, they shall then assess and collect a penalty, in addition thereto, of ten per cent per day for each day that such payment may be delayed or withheld; *provided, however*, that in the levy and collection of such assessment, no such association, corporation or society shall be assessed for, nor

be permitted to pay less than ten dollars per annum, and any such association hereafter formed in this state, shall be required to pay not less than one dollar per month for the unexpired term ending December thirty-first, succeeding application; and in like manner any such association organized outside this state shall be required to pay not less than three dollars per month, for such unexpired term, for its first license.

Sec. 15. It shall be the duty of the commissioners to require every such association, corporation or society coming under their supervision, to procure from them, prior to the transaction of any business, a certificate of authority or license to transact business in this state; and it is hereby made the duty of every such association, corporation or society to comply with such requirement. To procure such license, there must be filed with and approved by the commissioners, a certified copy of its articles of incorporation, constitution and by-laws and all subsequent amendments thereto, accompanied by the license fee herein provided for; and after the expiration of the term for which a license may have been granted to it, no such association, corporation or society shall be permitted to continue to transact business without first procuring a renewal of such license on the terms provided in this act, and any such association, corporation or society violating the provisions hereof shall be subject to a penalty of ten per cent per day of the amount of the license fee required to be paid under section fifteen of this act, in addition thereto, for each day during the continuance of such offense. The commissioners are authorized and empowered to revoke the license of any such association, corporation or society under their supervision, the solvency whereof may have become imperiled by losses or irregularities; and immediately upon the revoking of any such license they shall report the facts to the attorney-general, who shall thereupon take such proceedings as are provided in section nine of this act.

Sec. 16. The commissioners shall require every association, corporation or society licensed by them, and including associations in liquidation, within thirty days after the close of its annual fiscal term to make a report to them in writing, verified by the oath of its president and secretary, showing accurately its financial condition at the close of such term; such report shall also include all the receipts and disbursements and income and expenses for the term, to-

gether with such statistical and other information as may be deemed essential; all and every of such reports shall be in such form as the commissioners may prescribe, and upon blanks to be by them furnished therefor. Every such association, corporation or society is hereby required to make and file all such reports within the time specified herein, and for failure or neglect so to do shall be subject to a penalty of ten dollars per day for each and every day the same shall be delayed or withheld.

Sec. 17. The collection of all moneys assessed, as herein provided, for the payment of salaries and annual expenses, or forfeitable as fines for failure to make payments of assessments, procure licenses, or make and file reports as herein specified, and due from any such association, corporation or society coming within the provisions of this act, or imposed as a penalty for violation of any order or summons, may be enforced by the commissioners, by action instituted in any court of competent jurisdiction; and all moneys collected or received by the commissioners under this act, shall be deposited with the state treasurer, to be credited to a fund to be known and designated as the "building and loan inspection fund"; which said fund shall only be used in defraying the salaries and expenses provided for by this act.

Sec. 18. This act shall not be construed as affecting the terms of office of the commissioners appointed under and by virtue of an act entitled "An act creating a board of commissioners of the building and loan associations and prescribing their duties and powers," approved March twenty-third, eighteen hundred and ninety-three, and acts amendatory thereof, and such commissioners are hereby created the building and loan commissioners for the unexpired terms for which they were appointed, and they and their secretaries are hereby vested with all the powers and duties, and are entitled to all the emoluments herein provided for; and they and their successors in office, as the building and loan commissioners herein provided for, shall succeed to all the rights, privileges and benefits, and to the control and possession of all records, property and funds in the possession of or enjoyed by the board of commissioners of the building and loan associations appointed under and by virtue of said act of March twenty-third, eighteen hundred and ninety-three.

Sec. 19. All acts and parts of acts, including an act entitled "An act creating a board of commissioners of the

building and loan associations and prescribing their duties and powers," approved March twenty-third, eighteen hundred and ninety-three, and all acts amendatory thereof, are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its passage.

ACT 430.

Creating a board of commissioners of building and loan associations and prescribing their powers and duties. [Stats. 1893, p. 229.]

Amended 1895, 103. Repealed 1905, 666. See ante, Act 429. This act appears in full in Civil Code, 1903, Appendix, p. 681.

Partly codified by amendments of Civil Code, adopted 1905. See Civil Code Supp., § 638a, note.

Supp. Cal. Rep. Cit. 141, 75; 141, 78; 143, 258.

BUOYS AND BEACONS.

ACT 435.

For the protection of buoys and beacons. [Stats. 1873-4, 619.]

This act appears in full in the Appendix to the Penal Code, 1903, p. 573.

Codified by amendment of Penal Code, adopted 1905. See Penal Code Supp., § 609, note.

BUTTER.

ACT 467.

An act requiring the marking of packages of butter containing less than six pounds and more than one half pound so as to advise the purchaser or others as to the weight of butter contained in such package.

[Approved March 20, 1905. Stats. 1905, p. 316.]

Section 1. No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, manufacture or prepare for sale, offer for sale or expose for sale, or have in his or their possession for sale, or consign, ship or present to any dealer, commission merchant, consumer, or other person, any butter in packages containing less than six pounds and more than one half pound, unless the exact weight of such butter contained in such package or packages, rolls, prints or other form of package, expressed in the number of pounds or ounces or in both pounds and ounces, shall be printed or durably and legibly marked upon

the wrapper or other container of such butter in letters or figures, or in both letters and figures, not less than one fourth inch high and upon the same side or face of such package upon which the producer's or seller's name and address appears, and if such name and address does not appear, the weight alone shall be legibly and durably placed upon such package in letters or figures not less than one fourth of an inch high.

Sec. 2. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than fifty days, or by both such fine and imprisonment at the discretion of the court.

Sec. 3. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act and to cause the prosecution of any person known to be guilty, or that it has reason to believe to be guilty, of violating any of the provisions of this act. It shall be the duty of the district attorney of each and every county in this state, upon application from the state dairy bureau, to attend to the prosecution in the name of the people of any action brought for the violation of any of the provisions of this act within his district. One half of all fines collected for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed. The other one half shall be paid to the state dairy bureau and by said bureau to the state treasurer and the same shall become a part of the appropriation made by law for the use of the state dairy bureau.

Sec. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 5. This section shall take effect sixty days after its passage.

ACT 468.

An act to prevent deception in the sale of renovated butter and to license manufacturers and dealers in the same.

[Approved March 20, 1905. Stats. 1905, p. 468.]

Section 1. No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, offer for sale or expose for sale or have in his or their possession for

sale any renovated butter unless the same shall have printed upon each and every package, roll, print, square, or any container of such renovated butter the words "renovated butter" in letters not less than one half inch in height, or who shall not have secured from the state dairy bureau, now existing under the laws of this state, a license as provided hereinafter.

Sec. 2. The term renovated butter as used in this act is hereby defined to mean and include butter that has been reduced to a liquid state by melting, and drawing off such liquid or butter oil and churning or otherwise manipulating it in connection with milk or any product thereof.

Sec. 3. Any person or persons, firms or corporations, desiring to manufacture or deal in renovated butter shall make application to the state dairy bureau for a license and upon payment of a license fee of the amount mentioned herein, to the state dairy bureau, said bureau shall issue to the applicant a license. All such licenses shall expire December 31st of each year and may be issued in periods of one year or six months, upon payment of a proportionate part of the license fee. Manufacturers of renovated butter within this state shall pay an annual license fee of one thousand dollars; wholesale dealers shall pay an annual license fee of four hundred dollars; retail dealers shall pay an annual license fee of fifty dollars; hotels, restaurants, boarding houses and all other places where meals are served and payment is received therefor, either immediately or by the day, week or month, and which use or furnish renovated butter in connection with said meals, shall pay an annual license fee of ten dollars. The term wholesale dealers as used herein includes all persons, firms or corporations, who shall sell renovated butter in quantities of ten pounds or more. The term retail dealers includes all persons who sell in quantities of less than ten pounds. All licenses while in force shall be conspicuously displayed in the place of business of the party or parties to whom they have been issued. The state dairy bureau shall require all persons holding a manufacturer's or wholesaler's license, as provided in this act, to keep a record in a form separate from all other business in which every sale of renovated butter shall be recorded, giving the quantity sold, the name and location of the buyer and the place to which it was shipped. Such record shall be accessible at all times to duly authorized representatives of the state dairy bureau.

Sec. 4. All license fees paid to the state dairy bureau under this act shall be paid by said bureau into the state treasury, the same to be added to the appropriation made for the same fiscal year for the bureau and its expenditure shall be at the disposal of said bureau for its use.

Sec. 5. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty dollars nor more than one hundred dollars; or by imprisonment in the county jail for not less than ten days and not exceeding thirty days; and for each subsequent offense by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty days nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

Sec. 6. It shall be the duty of the district attorney of each and every county in this state, upon application, to attend to the prosecution in the name of the people of any action brought for the violation of any of the provisions of this act within his district. One half of all the fines imposed for the violation of any of the provisions of this act shall be paid to the county in which the fine is imposed. The other one half shall be paid to the state dairy bureau, and by said bureau to the state treasurer, and the same shall become a part of the appropriation made by law for the use of said state dairy bureau.

Sec. 7. An act which became a law under constitutional provision without the governor's approval, February 23, 1899, entitled "An act to prevent deception in the sale of process or renovated butter" and all other acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 8. This act shall take effect thirty days after its passage.

ACT 470.

To prevent deception in the sale of process or renovated butter. [Stats. 1899, p. 25.]

Repealed 1905, 470. See ante, Act 468.

A section of this act is codified by an amendment of the Penal Code, adopted 1905. See Penal Code Supp., § 383a, note.

CALAVERAS COUNTY.

ACT 483.

Mining claims, recording in. [Stats. 1875-6, p. 853.]
Supp. Cal. Rep. Cit. 142, 411.

CEMETERY CORPORATIONS.

ACT 549.

Authorizing incorporation of rural cemetery associations.
[Stats. 1859, p. 281.]
Amended 1863-4, 12; 1891, 264; 1899, 36.
Supp. Cal. Rep. Cit. 140, 232.

CHAMBERS OF COMMERCE.

ACT 568.

To provide for the formation of chambers of commerce, boards of trade, mechanics' institutes, and other kindred protective associations. [Stats. 1865-6, 469.]
Amended 1867-8, 5; 1885, 76.
This act appears in full in Civil Code, 1903, Appendix, p. 689.
Codified by amendments of Civil Code, adopted 1905. See Civil Code Supp., § 591, note.

CHINESE.

ACT 593.

For the suppression of Chinese houses of ill-fame. [Stats. 1865-6, 641. Amended 1873-4, 84.]
Continued in force by Political Code, § 19; Penal Code, § 23.
The amending act of 1873-4, 84, is codified by amendment of Penal Code, adopted 1905. See Penal Code Supp., § 315, note.

CIVIL RIGHTS.

ACT 604.

Making it unlawful to refuse admission to places of amusement. [Stats. 1893, p. 220.]
See post, Act 4099.

ACT 605.

An act to protect all citizens in their civil and legal rights. [Approved March 13, 1897. Stats. 1897, 137.]
This act appears in full in General Laws, 1903, p. 98.
Codified by amendment of Civil Code, adopted 1905. See Civil Code Supp., § 51, note.

CODES.

ACT 622.

To create and establish a commission for revising, systematizing, and reforming the laws of this state, and

for the appointment of the members of said commission, to be known as "The commissioners for the revision and reform of the law," and to prescribe their powers and duties; and to authorize the appointment of a secretary and stenographer therefor; and to provide for the compensation and expenses of said commission, secretary, and stenographer, and to appropriate money therefor. [Stats. 1895, 345.]

Amended 1903, 479; 1905, 403.

COMMISSIONER OF TRANSPORTATION.

ACT 676.

To create the office of commissioner of transportation, etc.
[Stats. 1877-8, p. 969.]

Codified by amendment of Penal Code, adopted 1905. See Penal Code Supp., § 369b, note; § 369d, note.

COMMON LAW.

ACT 681.

Adopting the common law. [Stats. 1850, 219.]

Re-enacted in Political Code, § 4468.

Supp. Cal. Rep. Cit. 141, 121.

CONVICTS.

ACT 738.

Providing for furnishing sheriffs and chiefs of police of certain information, description, and photographs of convicts about to be discharged by the wardens of state prisons. [Stats. 1897, 213.]

Repealed 1905, 532. See post, Act 739.

In full in the Appendix to the Penal Code, 1903, p. 583.

ACT 739.

An act requiring the wardens of the state prisons of California to furnish the sheriffs of California and the bureaus of identification with certain information concerning convicts within thirty days after receiving said convicts, and providing for payment of the expenses incurred thereby.

[Approved March 20, 1905. Stats. 1905, p. 532.]

Section 1. The wardens of the state's prisons of the State of California shall within 30 days after receiving all persons convicted of crime and sentenced to terms in their

several prisons send to the sheriffs of the State of California and legalized bureau of identification, photographs and minute description of such convict. Together with minute description of his person and marks of identification, together with a statement of the nature of the crime he is imprisoned for.

Sec. 2. Any expenditures incurred in carrying out the provisions of this act shall be paid for out of the appropriation made for the support of state's prison.

Sec. 3. This act shall be in effect immediately and be enforced from and after its passage and repeals an act approved March 27th, 1897, on page 213, 214 of Statutes and Amendments to the Codes of California of 1897.

CO-OPERATIVE ASSOCIATIONS.

ACT 743.

Defining and providing for the organization and government of co-operative business corporations. [Stats. 1877-8, p. 883.]

Superseded by 1895, 221.

Codified in part by amendments of Civil Code, adopted 1905. See Civil Code Supp., § 658a, note.

ACT 744.

To provide for the incorporation, operation, and management of co-operative associations. [Stats. 1895, p. 221.]

This act appears in full in Civil Code, 1903, Appendix, p. 694.

Codified by amendments of Civil Code, adopted 1905. See Civil Code Supp., § 658b, note.

CORONERS.

ACT 749.

Concerning the attendance of physicians and surgeons in certain cases and to provide payment for making chemical and post-mortem examinations. [Stats. 1871-2, 81.]

Sections 1 and 2 of this act are probably superseded by § 1512, Penal Code, if not already superseded by County Government Act 1897, § 12. See note to § 1512, Penal Code Supp.

This act appears in full in Penal Code, 1903, Appendix, p. 588.

CORPORATIONS.

ACT 757.

An act relating to revenue and taxation, providing for a license tax upon corporations, and making an appropria-

tion for the purpose of carrying out the objects of this act.

[Approved March 20, 1905. Stats. 1905, p. 493.]

Section 1. No corporation heretofore or hereafter incorporated under the laws of this state, or any other state, shall do or attempt to do any business by virtue of its charter or certificate of incorporation, in this state, without a state license therefor.

Sec. 2. Upon every corporation which has heretofore obtained, or which shall hereafter obtain a charter of certificate of incorporation from this state, or any foreign corporation heretofore or hereafter incorporated and doing business in this state, there shall be an annual license tax of ten dollars, to be paid between the first Monday in July and the first Monday in August of each year, to the secretary of state, who shall pay the same into the state treasury, to be paid into the general fund of the state.

Sec. 3. Any corporation formed under the laws of this state which shall fail to pay the tax provided for in the last two sections, shall, because of such failure, forfeit its charter to the state, and any foreign corporation which shall fail to pay the tax provided for in the last two sections, shall, because of such failure forfeit the right to do business in this state.

Sec. 4. It shall be the duty of the secretary of state on the first Monday of October in each year to report to the governor a list of all the corporations which have failed, neglected or refused to pay the said license tax, and the governor shall forthwith issue his proclamation, declaring under this act of the legislature, that the charters of domestic corporations will be forfeited, and the right of foreign corporations to do business in this state will be forfeited unless payment of said license tax is made as above required within sixty days from date of said proclamation, together with a penalty of five dollars in addition thereto.

Sec. 5. Said proclamation on the day of its date shall be filed in the office of the secretary of state, and within five days thereafter said secretary of state shall transmit a certified copy of said proclamation to the county clerk of each county in this state, who shall file the same in his office. Said secretary of state shall also within five days from the date of said proclamation, cause a copy thereof

to be published in one issue of two daily newspapers, to be selected by the governor.

Sec. 6. At the expiration of said sixty days from the date of said proclamation, the charters of all domestic corporations who have not complied with the provisions of this act and paid said tax, shall be forfeited to the State of California, and all foreign corporations who have not complied with the provisions of this act and paid said tax, shall forfeit the right to do business in this state.

Sec. 7. Nothing in this chapter shall be construed as imposing a license tax on educational, religious, scientific, charitable, or any corporation which is not organized for pecuniary profit.

Sec. 8. Within six months after the date of said governor's proclamation, the secretary of state shall compile a statement of the domestic corporations whose charters have been so forfeited, and of the foreign corporations whose right to do business in this state has been forfeited, and he shall furnish a certified copy thereof to each county clerk in this state, who shall file the same in his office.

Sec. 9. Any person or persons who shall exercise any powers under the charter of any such corporation after the same shall become forfeited to the state, and any person or persons who shall exercise any powers of a foreign corporation which shall have forfeited its right to do business in this state, shall be guilty of a misdemeanor.

Sec. 10. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-seven thousand (\$27,000) dollars, for the purpose of carrying out the objects of this act, to be used by the secretary of state in the employment of a license superintendent and cashier; one permanent clerk; such other clerks from time to time as may be necessary; for the purchase of the necessary desks, furniture, stationery, books, postage, and for the necessary printing, ruling, binding and materials furnished by the state printing office, and for all other necessary incidental expenses, to be used and expended during the balance of the fifty-sixth, and during the fifty-seventh, and fifty-eighth, fiscal years, and the state controller is hereby directed to draw his warrant for any claim against said amount, the same having been approved by the state board of examiners, and the treasurer is hereby directed to pay the same.

Sec. 11. This act shall take effect and be in force from and after its passage.

ACT 758.

An act to provide for the incorporation of associations for lending money on personal property, and regulating the same, and to forbid certain loans of money, property or credit.

[Approved March 21, 1905. Stats. 1905, p. 711.]

Section 1. Any corporation which shall be incorporated under the general incorporation laws of this state, and the provisions of this act, authorized by its articles of incorporation to loan money at interest upon the pledge or mortgage of goods or chattels, or of safe securities, shall be granted all the powers and privileges necessary for the execution of these purposes; *provided*, that nothing herein contained shall authorize any such corporation to engage in the business of banking.

Sec. 2. Corporations may be organized under the provisions of this act, with a capital stock of fifty thousand dollars (\$50,000.00), or over, but no business shall be transacted by any such corporation until all the capital stock of such corporation has been actually and in good faith subscribed, and at least fifty per centum thereof shall have actually been paid in, in cash, or in interest bearing securities, to be approved by the board of bank commissioners.

Sec. 3. Any such corporation, before transacting any business, shall be required to obtain from the board of bank commissioners a license in the form to be prescribed by them, authorizing such corporation to transact business in pursuance of the provisions of this act.

Sec. 4. Every corporation applying for a license under this act shall, at the time of making the application, execute and file a bond, to the people of the state, in an amount equal to one-twentieth of its capital stock, with the board of bank commissioners, to be approved by them, conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed and for a faithful compliance with the provisions of this act. Said bond shall be executed by a domestic or foreign corporation authorized by the insurance commissioner to transact within this state, the business of surety insurance as surety. Such bond shall be renewed and refilled annually, in January of

each year, or the corporation shall, within thirty days thereafter, cease doing business and proceed to close up its affairs.

Sec. 5. Such corporations when they have disposable funds may make advances on all goods, chattels and savings bank deposit books, or on all safe securities offered, embraced within its rules and regulations, but in no case shall the amount loaned to any one person exceed the sum of three hundred dollars (\$300.00).

Sec. 6. Such corporation shall be entitled to charge and receive upon each loan made by it upon a mortgage of personal property, which charge shall include all services of every character in connection with said loan, except upon the foreclosure of the security, interest or discount at a rate not exceeding one and one half ($1\frac{1}{2}$) per centum per month. It may also charge for the first examination of the property to be mortgaged and for drawing and filing the necessary papers, and for all other expenses, a sum not exceeding five dollars (\$5.00) if a loan shall actually be made; but no further charge for examination of the property or for drawing or filing papers, or for any services or expenses, or upon any pretext whatsoever, beyond the said charge for interest or discount, shall be made upon any renewal or extension of the loan, or any transfer or change of the loan, or upon any other occasion, within one year from the date of the original loan, or oftener than once in each period of twelve months thereafter, *provided, however*, it shall be lawful to charge for any fire insurance that may be at any time effected.

It may also charge and receive upon each loan made by it upon the pledge of personal property which charge shall include all services of every character in connection with said loan, except upon the sale of the security at public auction, as hereinafter provided, interest or discount at a rate not exceeding one and one half ($1\frac{1}{2}$) per centum per month; *provided, however*, that all loans shall be subject to one month's interest and no loan shall be settled at a less charge than fifteen cents. A charge of one half ($\frac{1}{2}$) of one per centum per month additional may be made upon pledges for storage, burglary and fire insurance. In case of loss by fire or theft, such corporation shall not be liable, however, for more than the amount loaned and twenty-five (25) per centum thereof in addition.

Sec. 7. Such corporation shall give to each pledgor a memorandum or ticket inscribed with the name of the corporation, mentioning the article or articles, security or securities, pledged, the name of the pledgor, the amount of the loan, the rate of compensation, the date when made, the date when payable, the page of the book where recorded, and a copy of section six (6) and eight (8) of this act.

Sec. 8. Property pledged to such corporations shall not be sold prior to six (6) months after the day fixed in the contract for payment, and all sales shall be at public auction, and notice of any such sale shall be published at least five (5) days previous thereto in a daily newspaper printed in the city, or city and county, in which any such corporation is located. If upon the sale of any such property at public auction there be any surplus left, after paying the cost of advertising and sale, and the amount of the loan and interest due thereon, the same shall be paid over to the pledgor or his legal representative or assigns on demand, any time within two years after such sale. It shall not be necessary for such corporation to sell at public auction any savings bank deposit book pledged for a loan, but the corporation may collect the money due thereon or so much thereof as may be necessary to pay the debt, in such manner and at such time as in the judgment of the directors of such corporation will best serve the interest of all parties, holding the net surplus, if any, for the owner, his legal representative or assigns. Loans on pledges may be renewed from time to time, but in no case longer than one year.

Sec. 9. A corporation organized under this act shall be authorized to borrow money in any amount to be used in its business not exceeding in the aggregate the amount of its capital stock.

Sec. 10. Such corporation shall file with the board of bank commissioners, during the months of January and July of each year, a statement, under oath, of the condition of such corporation at the close of business on the thirty-first day of December, and the thirtieth day of June, respectively next preceding, showing its actual financial condition. The said statement shall also be in such form, and contain such reports, returns, and information as to the affairs, business, condition, and resources of the corporation, as the said commissioners may from time to time prescribe and require.

Sec. 11. The said board of bank commissioners shall have access to the vaults, books, and papers of any such corporation, and it shall be their duty to inspect, examine and inquire into its affairs and take proceedings in regard to it, in the same manner and to the same extent as if said corporation were a savings bank or a banking corporation.

Sec. 12. No person, firm or corporation, other than corporations organized pursuant to this act, shall, directly or indirectly, charge or receive any interest, discount or consideration greater than at the rate of one and one half (1½) per centum per month upon the loan, use or forbearance of money, goods or things in action, less than three hundred dollars (\$300.00) in amount or value, or upon the loan, use or sale of personal credit in anywise, where there is taken for such loan, use or sale of personal credit, any security upon any upholstery, furniture or household goods, oil paintings, pictures or works of art, pianos, organs, musical instruments, or sewing machines, plate or silverware, iron or steel safes, professional libraries, or office furniture or fixtures, instruments of surveyors, physicians, or dentists, printing presses or printing material, wearing apparel, diamonds, watches or jewelry. The foregoing prohibition shall apply to any person who, as security for any such loan, use or forbearance of money, or for any such loan, use or sale of personal credit, as aforesaid, makes a pretended purchase of property from any person, or who, by any device or pretense of charging for his services, or otherwise, seeks to obtain a larger compensation in any case heretofore provided for. Any person violating the foregoing prohibition shall be guilty of a misdemeanor and is punishable by a fine of one hundred dollars (\$100.00) for the first offense, and by a like fine and imprisonment in the county jail for thirty days for the second and each subsequent offense; *and further*, the interest on any amount loaned shall be forfeited to the borrower. But this section shall not apply to licensed pawnbrokers, making loans upon the actual and permanent deposits of personal property, excepting those charging unlawful rates of interest, nor affect in any way the validity or legality of any loan of money or credit exceeding three hundred dollars (\$300.00) in amount.

Sec. 13. Any corporation organized under this act which shall violate the provisions of the second section hereof,

shall be liable to a penalty of one hundred dollars (\$100.00) for each and every day of the continuance of such violation; and any corporation which shall willfully violate any of the provisions of any other section of this act, by which any person shall suffer or sustain loss or damage, shall forfeit its rights to do business, and the attorney-general of this state shall take the necessary legal measures to wind up and discontinue its business. Any director, officer or employé of any corporation organized under this act who shall charge, take or collect or receive, any compensation on a loan beyond or in excess of the charges herein allowed, shall be guilty of a misdemeanor and be fined not to exceed one hundred dollars (\$100.00) or be imprisoned in the county jail for not more than six (6) months, or both.

Sec. 14. No such corporation shall, in any year, declare or pay dividends on its capital stock amounting to more than six (6) per centum. After any such corporation shall have accumulated a surplus or risk fund amounting to fifty (50) per centum of its capital, the board of bank commissioners, upon ascertaining that said corporation has, during the previous calendar year, made a net profit amounting to more than six (6) per centum on its capital, shall have authority to make an order reducing the rates of interest, discount and charges which said corporation may lawfully charge and receive upon loans, to such rates as will, in the judgment of said commissioners, produce a net return of six (6) per centum on its capital stock. It shall be stated in said order when it shall take effect, which shall not be less than four months after it is made, and it shall continue in force until revoked.

Sec. 15. Such corporation shall pay annually in advance license fees, as follows: To the treasurer of state, who shall pay the same into the "Bank Commissioners' Fund," the sum of fifty dollars (\$50.00), to the treasurer of the city, or city and county, in which such corporation is located, the sum of one hundred and fifty dollars (\$150.00). This to be in lieu of all other licenses.

Sec. 16. This act shall take effect and be in force from and after its passage.

ACT 759.

Concerning corporations. [Stats. 1850, p. 347.]

Amended 1851, 424, 426. Repealed 1851, p. 433, chap. CXVIII, § 31. Amended 1852, 168; 1853, 87, 140, 169; 1854, 162, 166;

1858, 57, 264; 1859, 87; 1861, 84; 1862, 17, 110, 125; 1863, 34, 747, 766; 1865-6, 748; 1869-70, 46, 402; 1871-2, 443; 1876, 730. Supplemented 1862, 17. Extended 1857, 75.

Supp. Cal. Rep. Cit. 138, 477.

ACT 763.

To provide for the formation of corporations for certain purposes. [Stats. 1853, p. 87.]

Amended 1855, 205; 1857, 121; 1858, 133; 1859, 93; 1863, 736; 1863-4, 149; 1869-70, 132, 364; 1871-2, 526.

Supp. Cal. Rep. Cit. 144, 222.

ACT 771.

To protect stockholders and persons dealing with corporations. [Stats. 1877-8, p. 695.]

Amended 1905, 786.

This act, with the exception of the amendment of 1905, appears in full in Civil Code, 1903, Appendix, p. 709, and in Penal Code, 1903, Appendix, p. 587. It punished frauds and misrepresentations by officers or agents.

Codified in part by amendments of Penal Code, adopted 1905. See Penal Code Supp., § 564, note.

ACT 775.

Foreign corporations. [Stats. 1871-2, p. 826.]

Amended 1899, 111.

This act appears in full in Civil Code, 1903, Appendix, p. 711.

It was couched by amendment of the Civil Code, adopted 1905. See Civil Code Supp., § 405, note.

Supp. Cal. Rep. Cit. 138, 742; 138, 743; 138, 744; 145, 603; 145, 605.

ACT 776.

An act requiring corporations organized under the laws of another state, territory, or foreign country, to file a certified copy of their articles of incorporation in the office of secretary of state, and a certified copy thereof, duly certified by the secretary of state of this state, in the office of the county clerk of the county where its principal place of business is located and also where such corporation owns property, and requiring such corporation to pay to the secretary of state the same fees as are paid by corporations formed under the laws of the State of California, and providing for a penalty for

the violations of the provisions of this act. [Stats. 1901, p. 108.]

This act appears in full in Civil Code, 1903, Appendix, p. 712. Codified by amendments of the Civil Code, adopted 1905. See Civil Code Supp., § 408, note.

COUNTY BOUNDARIES.

ACT 815.

To better define the boundary line of Mariposa and Fresno counties. [Approved April 1, 1872. Stats. 1871-2, p. 891.]

Amended 1873-4, 100.

Supp. Cal. Rep. Cit. 142, 54; 142, 55; 142, 56; 142, 57; 142, 58.

COUNTY GOVERNMENT.

ACT 834.

To establish a uniform system of county governments. [Stats. 1883, p. 299.]

Amended 1885, 125, 166, 195; 1887, 168, 178; 1889, 232. Repealed by County Government Act, 1891, 295.

Supp. Cal. Rep. Cit. 145, 51; 145, 53; 145, 427.

ACT 836.

To establish a uniform system of county and township governments. [Stats. 1893, p. 346.]

Amended 1895, 1. Repealed 1897, 452.

Supp. Cal. Rep. Cit. 144, 684; 145, 50; 145, 51.

ACT 837.

To establish a uniform system of county and township government. [Stats. 1897, p. 452.]

Amended 1901, 681, 685; 1903, 129, 151, 156, 160, 168, 178, 179, 200, 212, 218, 224, 227, 230, 232, 237; 239; 241; 402; 1905; 299, 301, 308, 310, 313, 318, 320, 325, 333, 335, 338, 352, 356, 358, 361, 363, 365, 366, 371, 373, 376, 383, 385, 391, 393, 394, 401, 424, 430, 435, 439, 441, 476, 477, 482, 485, 504, 507, 511, 523, 524, 544, 547, 552, 582, 670, 676, 721, 722, 723, 746.

This act, with the exception of the amendments of 1905, which follow, appears in full in General Laws, 1903, p. 112.

Supp. Cal. Rep. Cit. 139, 463; 139, 464; 139, 468; 141, 393; 141, 394; 141, 395; 141, 398; 141, 428; 141, 429; 141, 430; 142, 516; 142, 588; 142, 539; 142, 590; 142, 591; 143, 68; 143, 69; 143, 172; 143, 173; 143, 245; 144, 8; 144, 89;

144, 267; 144, 268; 144, 269; 144, 276; 144, 277; 145, 50; 145, 51; 145, 52; 145, 196; 145, 425; 145, 687.

Section 25½. The board of supervisors shall adopt orders and enact ordinances necessary for the preservation of the health of domestic live stock, which orders and ordinances shall not be in conflict with state or federal laws, and the said board of supervisors shall provide for the payment of all expenses incurred in enforcing the same, which expenses shall be a county charge and payable in the same manner and out of the same funds as other county charges are paid. [New section approved March 21, 1905; Stats. 1905, p. 722. In effect in sixty days.]

Section 33½. To appropriate from the general fund of the county, unless otherwise provided, not exceeding in counties of the first and second class the sum of twenty thousand dollars, and in all other counties not exceeding the sum of ten thousand dollars in any one year, to aid in and carry on the work of the preservation of forests upon public lands, the reforestation of forests upon public lands, and the protection of forests upon public lands from fire. [Amendment, approved March 20, 1905; Stats. 1905, p. 394. In effect in sixty days.]

Section 54. No person is eligible to a county, district, or township office, who, at the time of his election, is not of the age of twenty-one years, a citizen of the state, and an elector of the county, district, or township in which the duties of the office are to be exercised; *provided*, that any woman who is of the age of twenty-one years, a citizen of the state, and a resident of the county or district, shall be eligible to the office of superintendent of public schools, school trustee, or member of the county board of education; *and provided further*, that no person shall hereafter be eligible to the office of district attorney who has not been admitted to practice in the supreme court of the State of California; *and provided further*, that the county live stock inspector shall, at the time of his appointment, be a duly qualified veterinary surgeon having on file in the office of the county clerk a certificate issued to him by the state veterinary medical board. (Amendment approved March 21, 1905; Stats. 1905, p. 721. In effect in sixty days.)

Section 55. The officers of a county are a sheriff, a county clerk, an auditor, a recorder, a license collector, a

tax collector, who shall be ex-officio license collector, a district attorney, an assessor, a treasurer, a superintendent of schools, a public administrator, a coroner, a surveyor, the members of the board of supervisors, a live stock inspector, and such other officers as may be provided by law. In counties where the board of supervisors by proper ordinance so elect, except as otherwise provided in this act, the duties of certain of the above-mentioned officers are hereby consolidated, as follows: Sheriff and tax collector; auditor and recorder; county clerk, auditor and recorder; county clerk and recorder; county clerk and auditor; treasurer and tax collector; assessor and tax collector; public administrator and coroner. In counties where the duties of said officers have been, or may hereafter be, consolidated in either manner above designated, the board of supervisors thereof, by proper ordinance, may elect to separate the duties so consolidated, and reconsolidate them in any other manner above provided, or may separate said duties without reconsolidation, and provide that the duties of each office shall be performed by a separate person, whenever, in their discretion, the public interest will be best subserved thereby. When offices are united and consolidated, the person elected to fill the offices so united and consolidated must take the oath and give the bond required for each, discharge all the duties pertaining to each, and receive the compensation of the offices consolidated. [Amendment approved March 21, 1905; Stats. 1905, p. 722. In effect in sixty days.]

Section 55½. The live stock inspector shall be appointed by the board of supervisors whenever in the discretion of the board of supervisors the interest of the public welfare demand the services of such an officer, and such an officer shall hold his office at the pleasure of the appointing power. He shall receive a salary in the sum of one hundred and twenty-five dollars per month, which salary shall be paid at the same time and in the same manner, and out of the same funds that other county officers are paid. [New section approved March 21, 1905; Stats. 1905, p. 722. In effect in sixty days.]

Section 66a. It shall be the duty of the board of supervisors of each county, on or before the first day of November of each year, to supply the secretary of the State Agricultural Society upon blanks to be furnished by him for

that purpose, statistics showing the products grown, produced or manufactured in said county, for the year preceding, and the expense thereof shall be a county charge, to be paid as other county charges against the county. [New section approved March 20, 1905; Stats. 1905, p. 476. In effect immediately.]

Sec. 152½. It shall be the duty of the live stock inspector, acting under the supervision of the state veterinarian, to enforce all laws of the State of California, and all orders and ordinances of the board of supervisors of his county pertaining to the health and sanitary surroundings of all live stock in his county, and for that purpose he is hereby authorized and empowered, by and with the approval of the board of supervisors, to establish, maintain, and enforce such quarantine, sanitary and other regulations as he may deem proper and necessary. He shall give to the duties of his office such time and attention as may be necessary to secure the general protection and advancement of all matters pertaining to the health and sanitary condition of the domestic live stock of his county. [New section added March 21, 1905; Stats. 1905, p. 723. In effect in sixty days.]

Sec. 153. Constables must attend the courts of justices of the peace within their townships whenever so required, and within their counties execute, serve and return all writs, processes and notices directed or delivered to them by justices of the peace of such county, or by any competent authority; *provided, however*, that no constable shall have jurisdiction or authority to serve any writ, notice, or other process issued by any justice or justice's court of any township other than the justice or justice's court of the township in and for which he may be constable without the boundaries of the township in and for which he is constable, and any service by a constable of any writ, notice, or other process issued by any justice or justice's court of any township other than the township in and for which he is duly elected and qualified constable, outside of the boundaries of the township in and for which he is such constable, shall be void. Constables shall charge and collect for their services such fees as are now or may hereafter be allowed. [Amendment approved March 20, 1905. Stats. 1905, p. 393. In effect in sixty days.]

Sec. 159. In counties of the second class the county and township officers shall receive, as compensation for the services required of them by law, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following clerks and deputies, who shall be appointed by the county clerk, and shall be paid salaries as follows: One chief deputy at a salary of one hundred and fifty dollars per month; one deputy who shall be registry clerk at a salary of one hundred and thirty-five dollars per month; one deputy who shall be an assistant registry clerk, at a salary of one hundred dollars per month; one deputy who shall be clerk of the board of supervisors, at a salary of one hundred and twenty-five dollars per month; nine deputies who shall be courtroom clerks, at a salary of one hundred and fifteen dollars each per month; one deputy who shall be judgment clerk, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant judgment clerk, at a salary of one hundred dollars per month; one deputy who shall be a file clerk, at a salary of one hundred dollars per month; one deputy who shall be an index clerk, at a salary of one hundred dollars per month; one deputy who shall be in charge of the criminal records, at a salary of one hundred dollars per month; two deputies at a salary of one hundred dollars each per month; one deputy who shall be assistant clerk of the board of supervisors, at a salary of one hundred dollars per month; one deputy who shall be a stenographer, at a salary of one hundred dollars per month; one deputy who shall be a stenographer for the board of supervisors, at a salary of one hundred dollars per month; one deputy who shall be miscellaneous department clerk, at a salary of one hundred and fifteen dollars per month; one deputy at a salary of one hundred and fifteen dollars per month; six deputies, at a salary of seventy-five dollars each per month, for not exceeding one month for any one year. The salaries of the deputies and clerks herein provided for shall be paid by said county in monthly installments at the same time, in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the sheriff an under sheriff and the following

deputies and stenographers who shall be appointed by the sheriff of said county, and shall be paid salaries as follows, to wit: One under sheriff, at a salary of one hundred and fifty dollars per month; one deputy who shall be a bookkeeper, at a salary of one hundred and twenty-five dollars per month; one deputy who shall be an assistant bookkeeper, at a salary of one hundred and ten dollars per month; one deputy at a salary of one hundred and twenty-five dollars per month; ten deputies at a salary of one hundred dollars each per month; nine deputies who shall be court bailiffs, at a salary of ninety dollars each per month; five deputies who shall be turnkeys at the county jail, at a salary of ninety dollars each per month; one jail matron, at a salary of fifty dollars per month; one stenographer, at a salary of seventy-five dollars per month. The salaries of the under sheriff, the matron, and all deputies and stenographers herein provided for shall be paid by said county in monthly installments at the same time, in the same manner, and out of the same fund that the salary of the sheriff is paid. The sheriff shall also receive the amount of money necessarily expended by him in serving all processes and notices, and the same shall be charged against the county and allowed as such by the board of supervisors, and paid as other county charges are paid. In case of sale of property on foreclosure of mortgage or on execution, the sheriff shall be entitled to receive all necessary expenses of keeping the property and of advertising the sale.

3. The recorder, three thousand, six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed the recorder the following deputies and copyists, who shall be appointed by the recorder of said county and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; two deputies at a salary of one hundred and twenty-five dollars each per month; four deputies, at a salary of one hundred dollars each per month; ten deputies, at a salary of ninety dollars each per month; and as many copyists as may be required, who shall receive as compensation for their services the sum of seven cents per folio for recording any instrument and notice, except maps or plats; for copies of any record or paper, seven cents per folio. The salaries and compensation of all deputies and copyists herein provided for shall be paid by the county in monthly installments, at the same time, in the same man-

ner, and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the auditor the following deputies, clerks and assistants, who shall be appointed by the auditor, and who shall be paid salaries as follows: One chief deputy at a salary of one hundred and fifty dollars per month; one deputy at a salary of one hundred and twenty-five dollars per month; two deputies, at a salary of one hundred and ten dollars each per month; four deputies, at a salary of one hundred dollars each per month; and forty clerks at a salary of ninety dollars each per month, for not to exceed one month each in any one year; and such additional assistants as the auditor may require, and whose compensation in the aggregate shall not exceed the sum of one thousand two hundred and fifty dollars in any one year. The salaries of the deputies, clerks and assistants herein provided for shall be paid by the county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the auditor is paid.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer the following deputies, who shall be appointed by the treasurer, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; one deputy at a salary of one hundred and fifteen dollars per month; and one deputy at a salary of one hundred dollars per month. The salaries of the deputies herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the treasurer.

6. The tax collector, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector the following deputies, stenographers and clerks, who shall be appointed by the tax collector, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; one deputy who shall be chief report clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be report clerk, at a salary of one hundred and ten dol-

lars per month; one deputy who shall be cashier, at a salary of one hundred and fifteen dollars per month; one deputy who shall be the general clerk, at a salary of one hundred and fifteen dollars per month; one deputy who shall be the correspondence clerk, at a salary of one hundred and ten dollars per month; one deputy who shall be a license clerk, at a salary of one hundred dollars per month; and two deputies who shall be license inspectors, at a salary of ninety dollars each per month; five clerks, at a salary of ninety dollars each per month; one deputy who shall be bookkeeper, at a salary of one hundred and ten dollars per month; one deputy who shall be sale and redemption clerk, at a salary of one hundred dollars per month; one stenographer, at a salary of seventy-five dollars per month; four clerks for a period not to exceed six months in any one year, at a salary of ninety dollars each per month; forty-five clerks for a period not to exceed four months in any one year, at a salary of ninety dollars each per month. There is also allowed not to exceed four hundred dollars for traveling expenses of said license tax collector each year. The salaries of the deputies, clerks and stenographers herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the tax collector.

7. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney the following deputies and employés, who shall be appointed by the district attorney of said county, and who shall be paid salaries as follows: One assistant district attorney, at a salary of two hundred dollars per month; one chief deputy, at a salary of one hundred and seventy-five dollars per month; six deputies, at a salary of one hundred and fifty dollars each per month; two stenographers, at a salary of one hundred dollars each per month; one detective, at a salary of one hundred dollars per month, who shall assist the district attorney in the detection of crime and the prosecution of criminal cases; *provided further*, that nothing herein contained shall be construed to prevent the board of supervisors of said counties of this class from employing special counsel when, in the judgment of said board, the interests of said counties require it. The salaries of the assistants, deputies, stenographers, special counsel and detective herein provided for shall be paid by the county in monthly in-

stallments, at the same time, in the same manner, and out of the same fund as the salary of the district attorney.

8. The assessor, three thousand six hundred dollars per annum, which shall be in full compensation for all services rendered by him; *provided*, that in counties of this class there shall be and hereby is allowed to the assessor the following deputies, clerks, stenographer and copyists, who shall be appointed by the assessor, and who shall be paid salaries as follows: One chief deputy, at a salary of one hundred and fifty dollars per month; two deputies, at a salary of one hundred and fifteen dollars each per month; seven deputies, at a salary of ninety dollars each per month; thirty field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; thirty field deputies for not exceeding two months in any one year, at a salary of one hundred dollars each per month; eight field deputies for not exceeding four months in any one year, at a salary of one hundred dollars each per month; ten field deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; nine deputies for not exceeding four months in any one year, at a salary of ninety dollars each per month; five copyists for not exceeding four months in any one year, at a salary of seventy-five dollars each per month; twenty-five copyists for not exceeding three months in any one year, at a salary of seventy-five dollars each per month; eight copyists for not exceeding seven months in any one year, at a salary of seventy-five dollars each per month; six deputies who shall be comparers for not to exceed two months in any one year, at a salary of ninety dollars each per month; two deputies who shall be photographers for not to exceed eight months in any one year, at a salary of one hundred dollars each per month; one stenographer, at a salary of seventy-five dollars per month; there is also allowed not to exceed five hundred dollars for traveling expenses of the said assessor or his deputies each year. The salaries of the deputies, stenographer, clerks and copyists herein provided for shall be paid by said county in monthly installments, at the same time, in the same manner, and out of the same fund as the salary of the county assessor is paid. It is *further provided*, that in counties of this class, the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor re-

ceive any compensation or commission for the collection of poll taxes or road poll taxes, nor shall the said assessor receive any compensation for making out the military roll of persons returned to him as subject to military duty, as provided by section nineteen hundred and one of the Political Code; *provided, however*, that fifteen per cent of all moneys collected by him for poll taxes and road poll taxes shall be allowed to such counties on their settlement with the state, and be and remain the property of such counties.

9. The coroner, three thousand dollars per year, and his actual necessary expenses in traveling outside of the county seat. He must hold inquests as prescribed by chapter two, title twelve, part two of the Penal Code, except that he may, in his discretion, dispense with a jury. The coroner or other officer holding an inquest upon the body of a deceased person may subpoena a physician or surgeon to inspect the body, or chemist to make an analysis of the contents of the stomach or tissues of the body, or hold a post mortem examination of the deceased, and give his professional opinion as to the cause of death. The coroner, in counties of this class, shall be and is hereby allowed the following assistants: One stenographer, at a salary of two hundred dollars per month, who shall, when directed by the coroner, take down in shorthand the testimony of witnesses at inquests, and under the direction of the coroner transcribe the same into longhand, and file a certified copy thereof with the county clerk, and the coroner may also appoint such stenographer as his deputy; one clerk, at a salary of one hundred dollars per month, who shall also act as messenger, and perform such other duties as the coroner may direct. The salaries of the stenographer and clerk herein provided shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the coroner.

10. The public administrator, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there is hereby allowed to the public administrator one clerk, at a salary of one hundred dollars per month, and the salary of said clerk shall be paid by the county in the same manner, at the same time, and out of the same fund as the salary of the public administrator.

11. The superintendent of schools, three thousand dollars per annum, which shall be in full for all services, including attendance upon the board of education, and actual

necessary traveling expenses not to exceed five dollars for every school district in the county; *provided*, that in counties of this class, there shall be and there hereby is allowed to the superintendent of schools, the following assistants and deputies who shall be appointed by the superintendent of schools of said county, and who shall be paid salaries as follows: One assistant who shall be chief deputy, at a salary of one hundred and fifty dollars per month; one deputy, at a salary of one hundred and fifteen dollars per month; one deputy, at a salary of one hundred dollars per month; and one deputy, at a salary of ninety dollars per month. The salaries of the assistants and deputies herein provided for shall be paid by the county at the same time, in the same manner, and out of the same fund as the salary of the superintendent of schools.

12. The health officer, one thousand two hundred dollars per annum, and special health officers, when appointed as in this act provided, ten dollars each per day; *provided*, that not more than five hundred dollars per annum shall be paid or expended in any one year in payment of special health officers. The salary of the health officer and special health officers shall be paid by the county in the same manner, and at the same time, as the salaries of other county officers are paid.

12½. Each member of the county board of education, except the secretary thereof, five dollars for each session of the board attended, not exceeding a total of four hundred dollars to any member in one year. In addition, each member shall be entitled to mileage at the rate of ten cents per mile, for one way only, while attending the regular sessions. Said compensation of the members of the board of education shall be payable monthly and out of the same funds, and in the same manner as the salary of the county superintendent of schools is paid. Said compensation shall be in full payment for all services rendered.

13. The surveyor, three thousand six hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that in counties of this class, there shall be and there hereby is allowed to the surveyor one chief deputy, and ten deputies who shall be draughtsmen, and who shall be appointed by the surveyor of said county and shall be paid salaries as follows: One chief deputy, at a salary of one hundred and seventy-five dollars per month; five draughtsmen, at a

salary of one hundred and twenty-five dollars each per month; four draughtsmen, at a salary of one hundred dollars each per month; one draughtsman, at a salary of eighty dollars per month. The salaries of said surveyor and said deputies and draughtsmen herein provided for shall be paid by said county in monthly installments at the same time, and in the same manner as the deputies of other county officers are paid.

14. Supervisors, one thousand eight hundred dollars per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not exceeding in the aggregate, seven hundred and fifty dollars each per annum. They shall also receive their necessary expenses when attending meetings of the state board of equalization; *and provided further*, that there shall be and hereby is allowed to the board of supervisors the following clerks: One clerk, at a salary of ninety dollars per month; one clerk, at a salary of one hundred and ten dollars per month; one clerk at a salary of one hundred dollars per month; one clerk who shall be superintendent of charities, at a salary of one hundred dollars per month; two clerks who shall be assistants to the superintendent of charities, at a salary of seventy-five dollars each per month; fourteen clerks for not exceeding thirty days in any one year, at a salary of four dollars each per day, to assist said board while sitting as a board of equalization; and in addition to the clerks hereinbefore provided for, in years when the general election is held within the state, there shall be and hereby is allowed to said board of supervisors fifteen clerks for not to exceed fifteen days in such years, at a compensation of four dollars each per day. Such clerks shall be appointed by the board of supervisors and shall be paid by said county in the same manner, at the same time and out of the same fund as other clerks of the county officers are paid; *and still further provided*, that from and after the first Monday after the first day of January in the year one thousand nine hundred and nine, supervisors in counties now of this class shall receive as compensation for the services required of them by law, a salary of two thousand four hundred dollars each per annum, together with mileage at the rate of ten cents per mile for each mile actually traveled by them in the discharge of their duties, either as road commissioners or supervisors, not ex-

ceeding in the aggregate seven hundred and fifty dollars each per annum, and they shall also receive their necessary expenses when attending meetings of the state board of equalization.

15. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that no justice of the peace shall receive more than one thousand five hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred and twenty-five dollars per month, for all services rendered by him in criminal cases, or in actions or proceedings to which the people of the State of California are or may be parties; and no claim of any such justice of the peace in excess of said sum of one thousand five hundred dollars per annum, or the installments thereof as aforesaid, shall be allowed or paid; but all fines and fees collected by every such justice on the account aforesaid shall belong to and be the property of the county in which such justice exercises his jurisdiction. And each of such justices shall report, under oath, on the first Monday of each month, to the board of supervisors of such county, the amount of all fines and fees collected by him, on the account aforesaid, during the preceding month, and shall, on said date, deposit with the county treasurer, to the credit of the county, all such fines and fees as may be shown by said report to have been collected by him. He shall also transmit the treasurer's receipt for said payment to said board, with the said report; *provided further*, that the boards of supervisors of such counties may, in townships having a population of more than thirty-five thousand, provide such justices, or any of them, with an office and the necessary furniture and supplies for the justice's court; and *provided further*, that the boards of supervisors in said counties and in townships having more than thirty-five thousand inhabitants, shall, upon the recommendation of the township justice or justices, appoint a clerk for each of the justice's court, which clerks shall each hold office for the term of two years from and after appointment, and shall receive a salary of one hundred dollars per month each, payable in like manner, at like times, and out of the same fund as county officers are paid by the county; said clerks shall each take and file an oath of office in like manner as county officers, and after being appointed and qualifying as hereinbefore prescribed, shall have power to administer and certify oaths to affidavits, and all papers, documents, or instruments used

in or in connection with the actions and proceedings of such justice's court. Such clerks shall perform such other clerical service as may be required of them by the justice of justices.

16. Constables, such fees as are now or may hereafter be allowed by law; *provided*, that no constable shall receive more than one thousand two hundred dollars per annum, which may be paid in monthly installments of not exceeding one hundred dollars per month, for all services rendered by him in all criminal cases or in actions or proceedings to which the people of the State of California are, or may be, made parties; and all fees collected by such constable on account of services rendered in criminal cases or proceedings, to which the people of the State of California are parties, shall belong to and be the property of the county in which said constable has been elected or appointed; *provided further*, that the constable shall be allowed the actual fare and expenses incurred in transporting prisoners to the county jail; and *provided further*, that in counties of this class and in townships having more than thirty-five thousand inhabitants, there shall be, and there is hereby allowed to such constable, one deputy who shall be appointed by the constable, and shall receive a salary of seventy-five dollars per month, payable in like manner and at like times, and out of the same fund as the county officers are paid by the county; said deputy shall take and file an oath of office in like manner as county officers. Each constable shall report under oath on the first Monday of each month to the board of supervisors of such county, the amount of all fees collected by him for all services rendered in all criminal cases, or in actions or proceedings to which the people of the State of California are, or may be, made parties, during the preceding month, and shall, on said date, deposit with the county treasurer to the credit of the county all such fees as may be shown by said report to have been collected by him on account of the aforesaid. He shall also transmit the treasurer's receipt for said payment to said board with said report. [Amendment approved March 20, 1905; Stats. 1905, p. 511. In effect immediately.]

Section 160. In counties of the third class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries:

1. The county clerk, four thousand (\$4,000.00) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred (\$1800.00) dollars per annum; five courtroom deputies, whose salaries are hereby fixed at the sum of fifteen hundred (\$1500.00) dollars per annum each; one deputy, whose salary is hereby fixed at the sum of fifteen hundred (\$1500.00) dollars per annum; four deputies, whose salaries are hereby fixed at the sum of twelve hundred (\$1200.) dollars per annum each; and one copyist, whose salary is hereby fixed at the sum of twelve hundred (\$1200) dollars per annum; the chief deputy, ten deputies, and one copyist herein provided for shall be appointed by the clerk of said county, and their salaries shall be paid by said county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of county clerk; *provided further*, that in such years as the compilation of a great register of voters is required by law to be made, the county clerk, in counties of this class, shall be and he is hereby allowed the following additional help: One clerk for a period of and not exceeding six months, whose salary is hereby fixed at one hundred and twenty-five (\$125.00) dollars per month; four clerks, for a period of and not exceeding four months, whose salaries are hereby fixed at one hundred (\$100.00) dollars each per month. Such clerks shall be appointed by the county clerk of such counties and during their respective periods of employment their salaries shall be paid by such county in equal monthly installments at the same time and in the same manner and out of the same fund as is the salary of the county clerk of such counties.

2. The sheriff, four thousand (\$4,000) dollars per annum; *provided*, that there shall be and hereby is allowed to the sheriff one under sheriff, whose salary is hereby fixed at the sum of two thousand four hundred (\$2,400) dollars per annum; one bookkeeper, whose salary is hereby fixed at the sum of eighteen hundred (\$1800) dollars per annum; one chief jailer, whose salary is hereby fixed at the sum of fifteen hundred (\$1500) dollars per annum; two assistant jailers, whose salaries are hereby fixed at the sum of twelve hundred (\$1200.) per annum each; five bailiffs, whose salaries are hereby fixed at the sum of twelve hundred (\$1200.) dollars per annum each; one office deputy, whose

salary is hereby fixed at the sum of twelve hundred (\$1200.) dollars per annum; one matron for the jail, whose salary is hereby fixed at the sum of six hundred (\$600.) dollars per annum; and one stenographer, whose salary is hereby fixed at the sum of six hundred (\$600.) dollars per annum; the under sheriff, bookkeeper, chief jailer, office deputies, assistant jailers, bailiffs, matron for jail, and stenographer, herein provided for shall be appointed by the sheriff; and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff; *provided*, that in counties of this class the sheriff shall be allowed no compensation or profit for feeding prisoners in the county jail, but that he shall file, monthly, with the county auditor, a verified statement, showing the names of persons and amounts paid to each for expense of feeding such prisoners, and the sheriff shall thereupon pay over to the county treasurer, for the use of the county, any difference between the amount allowed for such purpose by the supervisors and the amount actually expended by him therefor. The sheriff shall also receive the amount of money necessarily expended by him in serving all process and notices and all expenses necessarily incurred by him in the pursuit of criminals within his county, and the same shall be a charge against the county and allowed as such by the board of supervisors, and paid as other county charges are paid.

3. The recorder, four thousand (\$4000) dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the recorder the following deputies and copyists, who shall be appointed by the recorder in such county, and shall be paid salaries and compensations as follows: One chief deputy, at a salary of eighteen hundred (\$1800) dollars per annum; one index deputy, whose salary is hereby fixed at fifteen hundred (\$1500) dollars per annum; three deputies, whose salaries are hereby fixed at twelve hundred (\$1200) dollars per annum each; and one mortgage deputy, whose salary is hereby fixed at twelve hundred (\$1200) dollars per annum; *provided further*, that the chief deputy, index deputy, three deputies, and one mortgage deputy herein provided for shall be appointed by the recorder of said county, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund

as the salary of the recorder; *provided further*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office, not exceeding eight cents per folio for each paper or document so recorded; *and provided further*, that said recorder shall file monthly, with the county auditor, a verified statement, showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, thirty-six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the auditor one chief deputy, who shall be appointed by the auditor of said county, and whose salary is hereby fixed at the sum of eighteen hundred dollars per annum; one deputy, who shall be appointed by the auditor of such county, and whose salary is hereby fixed at the sum of twelve hundred dollars per annum; one clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, and such additional assistance as the auditor may appoint, and whose compensation shall not in the aggregate exceed the sum of one thousand dollars per annum; *and provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid, and the persons to whom said compensation is paid, for such extra assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the auditor.

5. The treasurer, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and hereby is allowed to the treasurer one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, and one deputy, whose salary is hereby fixed at the sum of twelve hundred dollars per annum, which sum shall be paid by said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the treasurer; *provided*, that the chief deputy and the deputy herein provided for, shall be appointed by the treasurer of such county.

6. The tax collector, three thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the tax collector one chief deputy, whose salary is hereby fixed at the sum of eighteen hundred dollars per annum, three deputies, whose salaries are hereby fixed at the sum of twelve hundred dollars each

per annum, and one stenographer whose salary is hereby fixed at the sum of six hundred (\$600) dollars per annum; *provided further*, that there shall be and there hereby is allowed to the tax collector not to exceed two extra deputies for the month of April of each year, whose salaries shall be one hundred dollars for such month, and three extra deputies for the month of July of each year, whose salaries shall be one hundred dollars each for such month, and five extra deputies for the month of August of each year, whose salaries shall be one hundred dollars each for such month, and six extra deputies for the month of September of each year, whose salaries shall be one hundred dollars each for such month, and seven extra deputies for the month of October of each year, whose salaries shall be one hundred dollars each for such month, and not to exceed twelve extra deputies for the month of November of each year, whose salaries shall be one hundred dollars each for such month; *provided further*, that the chief deputy, the stenographer, and all other deputies herein provided for, shall be appointed by the tax collector of said county, and the salaries of said chief deputy and all other deputies herein provided for shall be paid by said county, during the time which they shall hold office, as herein provided, at the same time and in the same manner and out of the same fund as the salary of the tax collector.

7. The license collector shall receive fifteen per cent of all licenses collected by him.

8. The assessor, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the assessor the following deputies, who shall be appointed by the assessor and shall be paid salaries as follows: One chief deputy assessor, at twenty-four hundred dollars per annum; one deputy assessor, at fifteen hundred dollars per annum; one mortgage deputy assessor, at twelve hundred dollars per annum; one transfer deputy assessor, at twelve hundred dollars per annum; seven outside field deputy assessors, at one hundred and twenty-five dollars each per month not exceeding six months in any one year; one stenographer, at six hundred dollars per annum; six field deputy assessors, for not exceeding four months in any one year, at one hundred dollars each per month; one cashier, for not exceeding seven months in any one year, at a salary of one hundred and twenty-five dollars per month; eight copyists, for not exceeding four months in any one

year, at a salary of one hundred dollars each per month; five extra deputy assessors, for not exceeding four months in any one year, at a salary of one hundred dollars each per month, and such additional assistance as the assessor may appoint and whose compensation shall not in the aggregate exceed the sum of forty-five hundred dollars per annum; *and provided*, that the assessor shall file with the county auditor a verified statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid; *it is hereby further provided*, that in counties of this class the assessor shall receive commissions for his collections of taxes on personal property, and such assessor shall receive compensation or commission for the collection of poll taxes or road poll taxes, but the said assessor shall not receive compensation for making out the military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; *provided, however*, that should the assessor be directed by any law, or by any order of the board of supervisors, or by any municipality within said counties of the third class, to prepare maps, plats or block books for the use of the county, or assessment rolls for the use of any municipality, then said assessor shall make such maps, plats, or block books, or assessment rolls, but shall only receive the actual cost by him incurred in making or preparing such maps, plats or block books or assessment rolls; *and provided further*, that, he shall file with the county auditor a sworn statement showing the persons to whom, and the amounts paid to each, for such maps, plats or block books, or assessment rolls, and he shall account forthwith and pay over to the county any difference between such cost and the amount allowed him for such work.

9. The district attorney, four thousand dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the district attorney one chief deputy district attorney, whose salary is hereby fixed at two thousand dollars per annum; three deputy district attorneys, whose salaries are hereby fixed at fifteen hundred dollars per annum each; and one clerk, whose salary is hereby fixed at the sum of twelve hundred dollars per an-

num; *provided further*, that the chief deputy district attorney, and three deputy district attorneys, and clerk shall be appointed by the district attorney and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney; *provided further*, that in counties of this class there shall be and there hereby is allowed to the district attorney a stenographer whose salary is hereby fixed at the sum of nine hundred dollars per annum; and for the purpose of assisting the district attorney in the detection of crime and the prosecution of criminal cases and in civil actions and proceedings and all matters in which the county is interested, there is allowed to the district attorney a detective, whose salary is hereby fixed at the sum of fifteen hundred dollars per annum; *provided further*, that the stenographer and detective shall be appointed by the district attorney, and their salaries shall be paid by said county in equal monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the district attorney; *provided further*, that the provisions of this subdivision of this section of this act with reference to the stenographer shall be in force and effect on and after twelve o'clock meridian of the first Monday in January, nineteen hundred and seven; *provided further*, that the provisions of this subdivision of this section of this act with reference to the detective shall be in force and effect from and after its passage.

10. The coroner, such fees as are now or may hereafter be allowed by law; *provided*, that the coroner shall be paid by such counties in the same manner and out of the same fund as such fees are now paid, the sum of two dollars for each certificate of the cause of death made by him.

11. The public administrator, such fees as are now or may hereafter be allowed by law.

12. The county superintendent of schools, three thousand dollars per annum; *provided*, that in counties of this class, there shall be and hereby is allowed to the county superintendent of schools, one assistant superintendent of schools, and one deputy, who shall be appointed by the county superintendent of schools of said county and whose salaries shall be as follows: The salary of the assistant shall be one hundred dollars per month, that of the deputy shall be one hundred dollars per month. The salaries shall be paid out

of the same fund and in the same manner as the salary of the county superintendent of schools is paid.

13. The surveyor shall receive ten dollars per day for all work performed for the county, and in addition thereto all necessary expenses and transportation for work performed in the field; *provided*, that whenever the surveyor is directed or charged to make, plat, trace, or otherwise prepare maps, plats, or block books for the use of the county, city and county, or any municipality within such county, then such county surveyor shall only be allowed, in addition to the actual cost and expense of making, platting, tracing, or otherwise preparing such maps, plats, or block books, a compensation to be determined by the board of supervisors, not exceeding the sum of ten dollars per day while he is actually so employed; *and provided further*, that such county surveyor shall file with the county auditor a sworn statement, showing in detail the amounts so paid, and the persons to whom such amounts have been so paid for such expense as aforesaid.

14. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than nineteen thousand, two hundred and twenty-five dollars; in townships having a population of fifteen thousand and less than nineteen thousand, one hundred and fifteen dollars; in townships having a population of one thousand and less than fifteen thousand, seventy-five dollars. In addition to the compensation received in criminal cases each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions; *provided*, that in townships containing a population of more than twenty-five thousand there shall be but one justice in and for such townships. Each justice of the peace must keep a book, open for the inspection of the public, during office hours, in which must be entered at once and in detail the amount of all fines collected by him in criminal cases, and on the first Monday of each and every month he must pay such fines so collected into the county treasury, or city treasury, as provided by law.

15. Constables shall receive the following monthly salaries, to be paid each month, and in the same manner and

out of the same fund as other county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five thousand, one hundred and fifty dollars; in townships having a population of more than nineteen thousand and less than twenty-five thousand, ninety dollars; in townships having a population of fifteen thousand and less than nineteen thousand, eighty dollars; in townships having a population of one thousand and less than fifteen thousand, eighty-five dollars; *provided*, that in townships having a population of fifteen thousand and less than nineteen thousand there shall be but one constable. In addition to the compensation received in criminal cases each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil cases; *provided*, that in counties of this class constables shall be and they are hereby allowed such expenses as are actually and necessarily incurred by them in conveying prisoners to and from the county jail; such expenses to be itemized and presented as a claim against the county and to be audited and allowed by the board of supervisors and paid out of the county treasury in the manner as are other claims.

16. Each supervisor, one hundred and twenty-five dollars per month, and mileage at ten cents per mile for each mile actually traveled in going to and from their residence to the county seat, or in the performance of the duties required of them by law or by virtue of their office; *provided*, that in attending sessions of the board only four mileages shall be allowed for each month, and that the total mileage allowed shall not exceed one hundred dollars in any one month. [Amendment approved March 22, 1905; Stats. 1905, p. 746. In effect partly on the first Monday of January, 1907, and partly in sixty days.]

Section 162. In counties of the fifth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum. He shall appoint one chief deputy, at a salary of eighteen hundred dollars per annum; two additional deputies at a salary of twelve hundred dollars each per annum, and three courtroom clerks at a salary of one thousand five hundred dollars each per annum, and a deputy or deputies not to

exceed five for the purpose of registering electors, to be paid not to exceed four dollars per diem each, *provided* that said deputies so employed for registering electors shall not be employed except during a year when a general election is to be held throughout the state and then only between the first day of June and the fifteenth day of November of said year; and such deputies as may be needed for the purpose of registering electors in precincts outside of the corporate limits of the city of Sacramento in said county, who shall be paid fifteen cents per name for each person legally registered by them. The salaries and compensation of each of said deputies and clerks to be paid out of the county treasury in equal monthly installments in the same manner and at the same time as other county officials are paid.

2. The sheriff shall receive three thousand six hundred dollars per annum salary. The sheriff shall also receive for his own use the fees for mileage which are now, or which may hereafter, be allowed by law, and the fees and commissions for the service of all papers whatsoever issued by any court of the state outside of this county, and shall also receive his necessary expenses in all criminal cases. The sheriff shall also be paid twelve and one half cents per meal each for all meals furnished prisoners confined in the county jail. The sheriff shall have one under-sheriff at a salary of one thousand five hundred dollars per annum, two jailers at a salary of twelve hundred dollars per annum each, and three court bailiffs, or deputies, at a salary of twelve hundred dollars per annum each. All deputies herein mentioned shall be appointed by the sheriff, and paid at the same time and manner that their principal is paid.

3. The recorder, three thousand dollars per annum. The recorder may appoint one chief deputy at a salary of fifteen hundred dollars per annum; one mortgage clerk, at a salary of twelve hundred dollars per annum; one index clerk, at a salary of twelve hundred dollars per annum. Said recorder may also appoint such copyists, not to exceed three, as may be required for the recording of all papers, notices or documents in his office, who shall receive as compensation for their services, the sum of twelve hundred dollars each per annum. The salaries and compensation of all deputies and copyists herein provided for, each of whom shall be a deputy county recorder, shall be paid by said county in monthly installments, at the same time and in the same

manner and out of the same fund as the salary of the county recorder is paid.

4. The auditor, three thousand dollars per annum; *provided*, that in counties of this class there shall be, and is, hereby allowed to the auditor one deputy, who shall be appointed by the auditor of said county and whose salary is hereby fixed at fifteen hundred dollars per annum, and such additional assistants as the auditor may require, and whose compensation shall not exceed the sum of five hundred dollars per annum, in the aggregate, for all assistants so employed, and *provided*, that the auditor shall file with the county clerk a verified statement, showing in detail the amounts paid and the persons to whom such compensation has been paid for such additional assistance as aforesaid. The salaries herein provided for shall be paid by the said county in equal monthly installments, at the same time, and in the same manner, and out of the same fund as the salary of the auditor.

5. The treasurer, three thousand four hundred dollars per annum.

6. The tax collector, two thousand five hundred dollars per annum; *provided*, that he shall have such assistants as he may require, whose compensation, which shall be paid by the county, shall not exceed the sum of five hundred dollars per annum in the aggregate.

7. The license collector, one thousand eight hundred dollars per annum.

8. The assessor, three thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be, and there is, hereby allowed to the assessor, the following deputies, who shall be appointed by the assessor, and shall be paid salaries as follows:—One chief deputy assessor, at eighteen hundred dollars per annum; one office deputy assessor, at fifteen hundred dollars per annum; one mortgage and transfer deputy assessor, at nine hundred dollars per annum; four field deputy assessors, for not exceeding four months in any one year, at a salary of one hundred and twenty-five dollars each per month; eight field deputy assessors for not exceeding four months in any one year, at a salary of one hundred dollars per month each; and such additional assistance as the assessor may require, and whose compensation shall not in the aggregate exceed the sum of six hundred dollars per annum; and *provided*, that the assessor shall file with the county auditor a veri-

fied statement showing in detail the amounts paid and the persons to whom such compensation is paid for such extra assistance, as aforesaid. The salaries of the chief deputy assessor, office deputy assessor, mortgage and transfer deputy assessor and field deputy assessors herein provided for shall be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid. It is hereby *further provided*, that in counties of this class the assessor shall receive no commission for his collection of taxes on personal property, nor shall such assessor receive any compensation or commission for the collection of poll-taxes or road poll-taxes.

9. The district attorney, three thousand six hundred dollars per annum. In counties of this class, the district attorney may appoint an assistant district attorney, which office is hereby created, who shall receive as compensation for his services the sum of two thousand four hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner, and at the same time other county officials are paid. In counties of this class the district attorney may appoint a deputy district attorney, which office is hereby created, who shall receive as compensation for his services the sum of one thousand eight hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner, and at the same time other county officials are paid. In counties of this class, the district attorney may appoint a clerk for service in his office, which office of clerk to the district attorney is hereby created, and said clerk shall receive as compensation for his services the sum of one thousand two hundred dollars per annum, to be paid out of the county treasury in equal monthly installments in the same manner and at the same time other county officials are paid.

10. The coroner, such fees as are now or may be hereafter allowed by law; *provided*, the coroner or other officer holding an inquest upon the body of a deceased person, may subpoena a chemist to make an analysis of the contents of the stomach or the tissues of the body, or a physician or surgeon to inspect the body, or hold a post-mortem examination of the deceased, and give a professional opinion as to the cause of death; and shall cause the testimony of all the witnesses at such inquest to be reduced to writing under

his directions and may require one of the official reporters to act as clerk or stenographer for such purpose, and in case any of such reporters should refuse or be unable to attend, may employ a stenographer for that purpose at the same compensation allowed to stenographers of the superior court of the county, such amount to be deducted from the salary of the official reporter in default.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting schools of his county, not exceeding three hundred dollars per annum; and the said superintendent of schools may appoint one assistant superintendent of schools, which office of assistant superintendent of schools is hereby created, who shall receive as compensation the sum of one thousand two hundred dollars per annum, payable at the same time and in the same manner as the salaries of other county officers are paid. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of the said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such service and mileage shall be presented to the board of supervisors and shall be allowed, at the rate above named, and in the manner as other claims against the county are allowed. The compensation of members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

13. The surveyor, two thousand four hundred dollars per annum, and in addition thereto all necessary expenses and transportation for work performed on the field; *provided*, that in counties of this class, whenever the board of supervisors shall order, or the assessor may require, assessor's map or block books, then the surveyor shall receive, in addition to the salary hereinabove noted, the sum of nine hundred dollars for the preparation and completion of the said map or block books.

14. Justices of the peace, such fees as are or may be hereafter allowed by law, except that the justices of the peace in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each in lieu of all fees in criminal cases; *provided, however,* that justices of the peace in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of seventy-five dollars per month each in lieu of all fees in criminal cases; the salary of the justices of the peace as above provided, to be paid at the same time, and in the same manner as county officers are paid.

15. Constables, such fees as are now or may be hereafter allowed by law, except that the constables in townships containing twenty thousand or more inhabitants shall be allowed a salary of one hundred dollars per month each; in lieu of all fees in criminal cases; *provided, however,* that constables in townships contiguous to municipalities containing twenty-five thousand or more inhabitants, or in which a state penal institution is located, shall be allowed a salary of seventy-five dollars per month each, and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail, in lieu of all fees in criminal cases, *provided however,* that constables in townships not contiguous to municipalities containing twenty-five thousand or more inhabitants and constables in townships in which a state penal institution is not located shall receive in addition to the fees now provided by law three dollars per diem for each day in actual attendance on the court in criminal cases and fifteen cents per mile for every mile actually traveled in taking prisoners to the county jail. The salary of the constables as above provided to be paid at the same time and in the same manner as county officers are paid.

16. Each supervisor, one hundred and twenty-five dollars per month, and ten cents per mile for traveling to and from the county seat; *provided,* mileage shall not be allowed oftener than once in each month.

17. From and after the first Monday in January, nineteen hundred and three, the offices of recorder and auditor shall be separate and shall not be consolidated by the board of supervisors.

18. For attending as a juror in the superior court, for each day's attendance, per day, three dollars. For each mile actually traveled in attending court as a juror, in going only, per mile, twenty-five cents. [Amendment approved March 20, 1905; Stats. 1905, p. 477. In effect in sixty days.]

Section 163. In counties of the sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand nine hundred dollars per annum; *provided*, that he shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, two courtroom deputies, at a salary of nine hundred dollars per annum each, and one deputy at a salary of nine hundred dollars per annum. The salaries of said four deputies shall be paid by said county clerk out of said five thousand nine hundred dollars compensation above named.

2. The sheriff, sixty-two hundred dollars per annum; *provided*, that he shall appoint one under-sheriff, at a salary of fifteen hundred dollars per annum, and three deputy sheriffs, at a salary of nine hundred dollars per annum each. The salary of said under-sheriff and deputies shall be paid by said sheriff out of said sixty-two hundred dollars compensation above named. The sheriff shall also receive, as compensation for traveling, to be computed in all cases from the court-house, to serve any summons and complaint, or any other process by which an action or proceeding is commenced, notice, rule, order, subpoena, attachment on property, to levy an execution, post notice of sale, to sell property under execution or other order of sale, to execute an order for the delivery of personal property, writ of possession or restitution, to hold inquest or trial of right of property, in executing writ of habeas corpus, or collecting taxes, twenty cents for each mile, one way only, to be computed over the nearest and most practicable route, between the court-house and the place of service; *provided*, that if any two or more papers be required to be served in the same suit, at the same time, and in the same direction, one mileage only shall be charged to the most distant points to complete such service, which distance shall, in all cases, be estimated by the nearest practicable route.

3. The recorder, five thousand six hundred dollars per annum; *provided*, that the recorder shall appoint four copy-

ists at a salary of nine hundred dollars per annum, each; which salary of said four copyists shall be paid by said recorder out of said sum of five thousand six hundred dollars compensation above named; *and provided, further*, that said copyists being eligible, may be appointed deputies of said recorder without further compensation.

4. The auditor, two thousand four hundred dollars per annum; *provided*, that the expenses incurred in making extensions of assessment and tax rolls shall be paid out of said sum of two thousand four hundred dollars compensation above mentioned.

5. The treasurer, two thousand dollars per annum, and such fees as are now or may hereafter be allowed by law.

6. The tax collector, three thousand dollars per annum, and such fees as are now or may be hereafter allowed him by law for the collection of all county licenses; *provided*, that the tax collector shall appoint as many deputies as may be necessary, all of which deputies' salaries shall be paid out of the compensation above named.

7. The assessor, four thousand two hundred dollars per annum; *provided*, that the assessor shall appoint one chief deputy, at a salary of twelve hundred dollars per annum, and as many deputy assessors as may be necessary, all of which deputies' salaries shall be paid by the said assessor out of said four thousand two hundred dollars compensation above mentioned.

8. The district attorney, two thousand four hundred dollars per annum, and one assistant district attorney, at a salary of fifteen hundred dollars per annum, to be paid at the same time and in the same manner as county officers are paid; said assistant district attorney allowed in lieu of the assistant district attorney allowed by virtue of subdivision thirty-six of section twenty-five of an act entitled "An act to establish a uniform system of county and township governments," approved March twenty-fourth, eighteen hundred and ninety-three..

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county; *provided*, said superintendent of schools may appoint a deputy at a salary of nine hundred

dollars per annum, payable at same time and in same manner as salaries of other county officers are paid.

12. The surveyor shall receive one thousand eight hundred dollars per annum for all work performed for the county, and in addition thereto all necessary and actual traveling expenses incurred in connection with field work, and all fees allowed by law: *provided*, that out of the compensation hereinabove provided he shall pay the cost of plotting, tracing or otherwise preparing maps, plats or block books, and shall procure the necessary data therefor, for use of the county assessor: *provided further*, that the fees for land surveys, except when done for the county, shall be ten dollars per day, or fraction thereof, and in addition thereto all necessary and actual traveling expenses. He shall appoint a deputy at a salary of nine hundred dollars per annum, payable at the same time and in the same manner as county officers are paid.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, for all services required of them by law, or by virtue of their office, except as road commissioners, shall be allowed six dollars per day, and thirty cents per mile in traveling from their place of residence to the courthouse; *provided*, that only one mileage must be allowed at each term; *and provided further*, that no supervisor must be allowed more than one day's pay for any one day, by reason of his being on the committees appointed by the board of supervisors, or for any other cause; *provided*, that in no case shall the per diem of the supervisors, as supervisors, exceed eight hundred dollars each in one year. Each supervisor shall receive for his services as road commissioner, thirty cents per mile, one way, for all distances actually traveled by him in the performance of his duties; *provided*, that he shall not in any one year, receive more than four hundred dollars as such road commissioner. [Amendment approved March 20, 1905; Stats. 1905, p. 504. In effect on the first Monday after the first day of January, 1907.]

Section 164. In counties of the seventh class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk two thousand four hundred dollars (\$2400) per annum. He shall have one deputy at a salary of thirteen hundred eighty dollars (\$1380) per annum; one deputy at a salary of twelve hundred dollars (\$1200), and three deputies at salaries of ten hundred and twenty dollars (\$1020) per annum each, and one at a salary of seven hundred and twenty dollars (\$720) per annum.

2. The sheriff fifty-four hundred dollars (\$5400) per annum and all fees for service of processes issued without his county. He shall have an under-sheriff whose annual salary shall be thirteen hundred eighty dollars (\$1380), two deputies whose annual salaries shall be twelve hundred (\$1200) each, one deputy whose salary shall be eleven hundred and forty dollars per annum and three deputies whose annual salaries shall be ten hundred and twenty dollars (\$1020) each.

3. The recorder twenty-one hundred dollars (\$2100) per annum. He shall have one deputy whose annual salary shall be thirteen hundred eighty dollars (\$1380), and two deputies whose annual salaries shall be ten hundred and twenty dollars (\$1020) each, and one deputy for a period of four months at seventy-five dollars (\$75) per month, he shall have such copyists as are necessary to perform the duties of the office at a compensation not to exceed 6 cents per folio.

4. The auditor twenty-one hundred (\$2100) dollars per annum, and one deputy at an annual salary of thirteen hundred eighty dollars (\$1380) and one clerk at an annual salary of ten hundred and twenty dollars (\$1020).

5. The treasurer twenty-five hundred dollars (\$2500) per annum. He shall have a deputy at a salary of thirteen hundred eighty dollars (\$1380) per annum.

6. The tax collector twenty-one hundred dollars (\$2100) per annum. He shall have one deputy who shall receive thirteen hundred eighty dollars (\$1380) per annum, and three deputies at an annual salary of ten hundred and twenty dollars (\$1020) each. No other fees or compensation other than the compensation provided for in this section shall be allowed the tax collector for the collection of license, and all license or other fees collected shall be paid into the county treasury monthly, rendering therewith a statement of the license or other fees collected. He shall be allowed actual traveling expenses in the collection of said license fees, the same to be audited by the board of supervisors and paid the same as other bills against the county are paid.

7. The assessor shall receive three thousand dollars (\$3000) per annum, for all services rendered as assessor. He shall have one deputy at an annual salary of thirteen hundred eighty dollars (\$1380) and ten deputies for three months whose per diem shall be four dollars (\$4) each when actually employed, and four deputies for four months whose per diem shall be four dollars (\$4.00) each when actually employed. He shall have four copyists for a period of four months each, at fifty dollars (\$50.00) per month each during such time. All sums collected by the assessor or his deputies either as personal property taxes, poll or road taxes, or the fees allowed by law for the making of the military roll shall be paid into the county treasury monthly as collected, with a statement of account of such collections.

8. The district attorney three thousand dollars (\$3000) per annum. He shall have one deputy at a salary of eighteen hundred dollars (\$1800) per annum, and one deputy at a salary of twelve hundred dollars (\$1200) per annum. He shall also have a stenographer at an annual salary of nine hundred dollars (\$900).

9. The coroner such fees as are now or may hereafter be allowed by law.

10. The public administrator such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools twenty-one hundred dollars (\$2100) per annum for all services rendered as such. He shall have one deputy at an annual salary of twelve hundred dollars (\$1200). The superintendent shall also be allowed actual traveling expenses when visiting the schools of his county.

12. The surveyor two thousand dollars (\$2000) per annum in full compensation for all services as county surveyor as road viewer and road inspector and his actual expenses when at work in the field. He shall have one deputy at an annual salary of nine hundred and sixty dollars (\$960).

13. (a) The registered population of the several judicial townships of this county is hereby determined to be the registered vote as shown by the great register of the county in the office of the county clerk. The salaries of the several township officers shall be determined by the registered voting population as shown by said register at the general election of the preceding even numbered year, and are as follows, to wit:

Judicial Township No. 1.....	275	(Firebaugh)
Judicial Township No. 2.....	621	(Clovis)
Judicial Township No. 3.....	5618	(Fresno)
Judicial Township No. 4.....	822	(Fowler)
Judicial Township No. 5.....	827	(Selma)
Judicial Township No. 6.....	542	(Coalinga)
Judicial Township No. 7.....	953	(Sanger)
Judicial Township No. 8.....	512	(Reedley)
Judicial Township No. 9.....	283	(Kingsburg)
Judicial Township No. 10.....	466	(Letcher)
Judicial Township No. 11.....	67	(Lemoore)
Judicial Township No. 12.....	73	(Polasky)
Judicial Township No. 13.....	322	(Laton)

(b) For the purpose of regulating the compensation of justices of the peace and persons performing the duties of justice of the peace, and constables, townships of this class of counties are hereby classified according to the registered voting population as shown by the great register of the county.

Townships having a registered voting population of 5000 and more shall belong to and be known as townships of the first class; townships having a like population of 1000 and less than 5000 shall belong to and be known as townships of the second class; townships having a like population of 800 and less than 1000 shall belong to and be known as townships of the third class; townships having a like population of 500 and less than 800 shall belong to and be known as townships of the fourth class; townships having a like population of 250 and less than 500 shall belong to and known as townships of the fifth class; townships having a like population of 250 and less shall belong to and be known as townships of the sixth class.

(c) Justices of the peace and persons performing duties of justices of the peace shall receive the following monthly salaries to be paid each month as the county officers are paid, and the same shall be in full compensation for all services rendered in criminal cases, and shall include their office rent, to wit:

In townships of the first class one hundred and seventy-five dollars.

In townships of the second class one hundred dollars.

In townships of the third class eighty dollars.

In townships of the fourth class sixty dollars.

In townships of the fifth class, forty dollars.

In townships of the sixth class twenty dollars.

In addition to the monthly salaries herein allowed each justice of the peace may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions. Each justice of the peace must pay into the county treasury once a month, all fines collected by him.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, and shall be in full compensation for all services rendered by them in criminal cases, to wit:

In townships of the first class, one hundred dollars.

In townships of the second class, ninety dollars.

In townships of the third class, eighty dollars.

In townships of the fourth class, sixty dollars.

In townships of the fifth class, forty dollars.

In townships of the sixth class, twenty dollars.

In addition to the monthly salaries herein allowed each constable may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall be also allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or prison, which expenses shall be audited by the board of supervisors and paid out of the county treasury; *provided further* that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage in going and returning outside of his own county at the rate of five cents per mile.

15. The supervisors shall receive each the sum of fifteen hundred dollars per annum, paid monthly in installments of one hundred and twenty-five dollars per month, in full compensation for all services rendered either as supervisors or road overseers.

16. Jurors' fees in criminal cases, shall be as follows: For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day three dollars, for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, fifteen cents and the county clerk shall certify to the auditor the number of days attendance and number of miles traveled by each

juror, and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

17. The salaries of all county and township officers shall be payable in installments monthly on the first day of each month. [Amendment approved March 20, 1905; Stats. 1905, p. 435. In effect in sixty days.]

Section 165. In counties of the eighth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, three thousand dollars per annum; the sheriff shall also receive for his own use and benefit the fees for mileage which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county; and shall also receive his necessary expenses in all criminal cases.
3. The recorder, two thousand dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, two thousand dollars per annum, and such commissions as are now or may hereafter be allowed by law.
6. The tax collector, one thousand dollars per annum, and ten per cent on all licenses collected, which shall be in full for all services as tax collector and license collector.
7. The assessor, eleven thousand five hundred dollars per annum; the assessor shall turn over to the county all fees and commissions for the collection of poll tax, personal property tax and for making up the military roll. The assessor shall make all maps and plats and shall bind in book form, alphabetically arranged, all assessment lists; *provided*, there shall be no charge against the county for the making of said maps, plats, and said binding, except for the material furnished in the making of said maps and plats and binding of said assessment lists.
8. The district attorney, three thousand dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, twenty-four hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, said expenses not to exceed six hundred dollars in one year.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable in the same manner as county officers are paid, viz.:

In townships having a population of fourteen thousand or more, one hundred dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, sixty-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, fifteen dollars per month; justices of the peace in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law in civil cases.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz.: In townships having a population of fourteen thousand or more, eighty-five dollars per month; in townships having a population of not less than five thousand nor more than fourteen thousand, sixty-five dollars per month; in townships having a population of not less than three thousand nor more than five thousand, fifty dollars per month; in townships having a population of not less than two thousand nor more than three thousand, forty-five dollars per month; in townships having a population of not less than one thousand four hundred nor more than two thousand, thirty-five dollars per month; in all townships having a population of less than one thousand four hundred, fifteen dollars per month; constables in counties of this class shall also receive for their own use and benefit such fees as are now or may be hereafter allowed by law for mileage in criminal cases and shall also receive such fees as are now or may hereafter be allowed by law in civil cases.

15. Each member of the board of supervisors, nine hundred dollars per annum, and their necessary expenses when attending to the business of the county, other than the meetings of the board; and fifteen cents a mile in traveling

to and from his residence to the county seat; *provided*, that not more than one mileage at any one term of the board shall be allowed.

16. The bonds of the clerk, sheriff, recorder, auditor, treasurer, tax collector, assessor, district attorney, coroner, public administrator, superintendent of schools and surveyor, shall be executed with a reliable bond and security company and that the cost of said bond, when duly approved shall be a charge against the county, and payable out of the general fund.

17. The county clerk shall have one chief deputy, at a salary of fifteen hundred dollars per annum; two court room deputies, at a salary of one thousand and eighty dollars per annum each, and a deputy or deputies not to exceed ten, for the purpose of registering electors and for other emergencies, to be paid not to exceed three dollars per diem each.

The county recorder, one deputy, at a salary of fifteen hundred dollars per annum, three deputies at a salary of one thousand and eighty dollars per annum each.

The treasurer, one deputy at a salary of two thousand dollars per annum; and a deputy for the purpose of collecting taxes and for other emergencies, to be paid not to exceed four dollars per diem.

The district attorney, an assistant district attorney, at a salary of eighteen hundred dollars per annum, and a deputy district attorney, at a salary of twelve hundred dollars per annum.

The superintendent of schools, one deputy, at a salary of nine hundred dollars per annum.

The sheriff, an under-sheriff, who shall receive a salary of eighteen hundred dollars per annum; a clerk, who shall receive a salary of one thousand and eighty dollars per annum; two deputy sheriffs, who shall receive a salary of one thousand and eighty dollars per annum each; two bailiffs or court room deputies, who shall receive a salary of one thousand and eighty dollars per annum each; two jailers, who shall receive a salary of one thousand and eighty dollars per annum each; and a deputy or deputies not to exceed two, for the purpose of serving papers and for other emergencies to be paid not to exceed three and a half dollars per diem each. All the deputies, assistants, and clerks herein mentioned shall be paid at the time and in the manner that the principals are paid from and after the ap-

proval of this act. [Amendment approved March 20, 1905, Stats. 1905, p. 507. In effect from and after January 1, 1907.]

Section 166. In counties of the ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, seven thousand six hundred dollars per annum.

2. The sheriff, seven thousand eight hundred dollars per annum; and the sheriff shall also receive for his own use and benefit the fees or commissions for the service of all papers whatsoever, issued by any court of the state outside of his county. And the board of supervisors shall allow the sheriff his actual and necessary expenses in serving any civil or criminal process, or performing any other official duty within his county at a distance, by the ordinary route of travel, of more than sixty miles from the county seat.

3. The recorder, the fees now allowed by law pertaining to said recorder's office; *provided*, that the fee for filing, indexing, and canceling tax sale certificates for land sold to the state for delinquent taxes shall be fifteen cents for each certificate, and for filing, recording, and indexing tax deeds to the state, the fee shall be seventy-five cents each, all of which shall be paid out of the county treasury in the same manner that other claims are paid; *provided*, that the fee to be charged by the recorder for filing certificates of tax sale issued by the tax collector of any municipality within any county of the ninth class shall be one dollar for each volume, when the same is bound in book form; each of said volumes shall contain not less than two hundred of such tax certificates; *provided*, that all books of record, printing, and stationery shall be furnished and paid for by the recorder out of his fees; the style and quality of the same to be approved by the board of supervisors.

4. The auditor, five thousand five hundred dollars per annum.

5. The treasurer, three thousand dollars per annum.

6. The tax collector, seven thousand dollars per annum, which shall include all fees and percentage as license collector.

7. The assessor, six thousand five hundred dollars per annum, and such fees as are allowed by law.

8. The district attorney, five thousand dollars per annum.

9. The superintendent of public schools, twenty-five hundred dollars per annum. He shall have one deputy at an annual salary of twelve hundred dollars.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The coroner, seventy-five dollars per month, and in addition thereto the board of supervisors shall allow the coroner his actual traveling expenses in the performance of his official duties within his county at a distance by the ordinary route of travel of more than sixty miles from the county seat.

12. The surveyor, three thousand dollars per annum, which shall be in lieu of all fees and per diem now allowed by law.

13. Constables, in civil cases such fees as are now or may hereafter be allowed by law; and in criminal cases in townships having a population of sixteen thousand or more in lieu of fees now allowed by law the sum of one hundred dollars per month; and in all townships having a population of less than sixteen thousand, such fees as are now or may hereafter be allowed by law; *provided, however*, that no constable in such township shall be allowed in any one month out of the county treasury more than seventy-five dollars as fees in misdemeanor cases; *provided further*, that in such townships they shall receive for each day's attendance in criminal cases when required by the justice to be present two dollars per day; *provided further*, that in all townships the constables thereof for taking persons to the county jail actual traveling expenses only shall be allowed in lieu of mileage.

14. Justices of the peace, in all townships having a population of sixteen thousand or more one hundred and fifty dollars per month in full of all compensation in both civil and criminal cases; in townships having a population of less than sixteen thousand such fees as are now or may hereafter be allowed by law; *provided, however*, that no justices of the peace in such township shall be allowed in any one month out of the county treasury more than seventy-five dollars in misdemeanor cases.

The board of supervisors of such county shall furnish the township justice of the peace and the constables in townships having a population of sixteen thousand or more with

suitable courtroom and furniture for said justice of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

15. Each member of the board of supervisors, five hundred dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also, four hundred dollars per annum each, and mileage now allowed by law, for services as road commissioners.

16. In counties of this class the official reporters of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and on all lunacy and preliminary examinations and coroner's inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio per copy; said compensation for transcription in criminal cases and coroner's inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. In counties of this class there shall be but one horticultural commissioner.

18. Each member of the board of education shall receive five dollars per day for not to exceed sixty days in any one year as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for not to exceed sixty days in any one year for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of

education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code. [Amendment approved March 20, 1905; Stats. 1905, p. 401. In effect immediately.]

Section 167. In counties of the tenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, and shall have as assistants the respective employes hereafter named, to wit:

1. The county clerk, four thousand three hundred dollars per annum, and the sum of five hundred dollars for making the great register, and ten cents for each person registered, and there shall be, and there is hereby allowed to the county clerk in addition, one deputy, to be appointed by the county clerk, who shall be paid a salary of one thousand dollars per annum, the said salary to be paid by such county in monthly installments, at the time, and in the manner and out of the same fund as the salaries of county officers are paid.

2. The sheriff, five thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county, and there shall be, and there is hereby created the office of jailer, to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, said salary to be paid by such county in monthly installments, at the time and in the manner and out of the same fund as the salaries of county officers are paid.

3. The recorder, one thousand five hundred dollars per annum, and six cents per folio for recording, and four hundred and fifty dollars per year for abstract of mortgages for the county assessor.

4. The auditor two thousand four hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, one deputy, to be appointed by the auditor, who shall be paid a salary of one thousand dollars per annum, and there shall be, and there is allowed to the auditor in addition, three clerks to be appointed by the auditor, who shall be paid a salary of seventy-five dollars per month each, not to exceed one month in any one year; said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

suitable courtroom and furniture for said justice of the peace, and an office with necessary and proper furniture therefor, for each of said constables.

15. Each member of the board of supervisors, five hundred dollars per annum, and fifteen cents per mile in going from his residence to the county seat at each meeting of the board. Also, four hundred dollars per annum each, and mileage now allowed by law, for services as road commissioners.

16. In counties of this class the official reporters of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and on all lunacy and preliminary examinations and coroner's inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of the county officers; and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio per copy; said compensation for transcription in criminal cases and coroner's inquests to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

17. In counties of this class there shall be but one horticultural commissioner.

18. Each member of the board of education shall receive five dollars per day for not to exceed sixty days in any one year as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for not to exceed sixty days in any one year for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools. Claims of such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of

education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code. [Amendment approved March 20, 1905; Stats. 1905, p. 401. In effect immediately.]

Section 167. In counties of the tenth class the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, and shall have as assistants the respective employes hereafter named, to wit:

1. The county clerk, four thousand three hundred dollars per annum, and the sum of five hundred dollars for making the great register, and ten cents for each person registered, and there shall be, and there is hereby allowed to the county clerk in addition, one deputy, to be appointed by the county clerk, who shall be paid a salary of one thousand dollars per annum, the said salary to be paid by such county in monthly installments, at the time, and in the manner and out of the same fund as the salaries of county officers are paid.

2. The sheriff, five thousand three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county, and there shall be, and there is hereby created the office of jailer, to be appointed by the sheriff, who shall be paid a salary of one thousand two hundred dollars per annum, said salary to be paid by such county in monthly installments, at the time and in the manner and out of the same fund as the salaries of county officers are paid.

3. The recorder, one thousand five hundred dollars per annum, and six cents per folio for recording, and four hundred and fifty dollars per year for abstract of mortgages for the county assessor.

4. The auditor two thousand four hundred dollars per annum, and there shall be, and there is allowed to the auditor in addition, one deputy, to be appointed by the auditor, who shall be paid a salary of one thousand dollars per annum, and there shall be, and there is allowed to the auditor in addition, three clerks to be appointed by the auditor, who shall be paid a salary of seventy-five dollars per month each, not to exceed one month in any one year; said salaries to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

5. The treasurer, two thousand four hundred dollars per annum.

6. The tax collector three thousand two hundred dollars per annum; and there shall be, and there is allowed to the tax collector in addition, one deputy, to be appointed by the tax collector, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however*, that in counties of this class, the tax collector shall receive no fees or commissions for the collection of licenses.

7. The assessor, five thousand five hundred dollars per annum, and there shall be, and there is allowed to the assessor in addition, one deputy, to be appointed by the assessor, who shall be paid a salary of seventy-five dollars per month, not to exceed six months in any one year, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid; *provided, however*, that the percentage received by the assessor on poll taxes and personal property taxes, and also amounts allowed for returning names of persons subject to military duty, and which, in counties of other classes, is allowed to the assessor as compensation, shall be paid by him into the county treasury, and no part thereof shall be received by him as compensation.

8. The district attorney, three thousand dollars per annum, and there shall be, and there is allowed to the district attorney in addition, one deputy, to be appointed by the district attorney, who shall be an attorney at law regularly admitted to practice before the supreme court of the State of California, who shall be paid a salary of one thousand two hundred dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools for full services including attendance on the county board of education, one thousand eight hundred dollars per annum, and actual traveling

expenses, and there shall be, and there is allowed to the superintendent in addition, a deputy, who shall be appointed by the superintendent of schools, who shall be paid a salary of one thousand dollars per annum, said salary to be paid by such county in monthly installments at the time and in the manner and out of the same fund as the salaries of county officers are paid. The office of the superintendent of schools shall be kept open on all business days from nine o'clock A. M. to five o'clock P. M.

12. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims of such services and mileage shall be presented to the board of supervisors and shall be allowed at the rate above named and in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of the Political Code.

13. The surveyor, one thousand five hundred dollars per annum, and in addition thereto all necessary expenses, incurred in performing county work, ordered by the board of supervisors.

14. The justices of the peace, the following monthly salaries, to be paid each month as salaries of other county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of six thousand and over, ninety dollars per month.

In townships having a population of two thousand four hundred and less than six thousand, seventy-five dollars per month.

In townships having a population of one thousand five hundred and less than two thousand four hundred, sixty dollars per month.

In townships having a population of eight hundred and

less than one thousand five hundred, fifty dollars per month.

In townships having a population of five hundred and less than eight hundred, twenty dollars per month.

In townships having a population less than five hundred, ten dollars per month.

In addition to the above salaries, each justice of the peace shall collect for his own use in civil cases such fees as are now or may hereafter be allowed by law.

15. Constables, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of five thousand and more, eighty-five dollars per month; in townships having a population of two thousand five hundred and less than five thousand, sixty-five dollars per month; in townships having a population of fifteen hundred and less than two thousand five hundred, sixty dollars per month; in townships having a population of eight hundred and less than fifteen hundred, fifty dollars per month; in townships having a population of five hundred and less than eight hundred, twenty dollars per month; in townships having a population less than five hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

The population of townships shall, for the purpose of this section, be determined by the last preceding United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for governor cast in such township, at the last preceding election, by four.

16. The supervisors each the sum of one hundred and twenty-five dollars per month as supervisors and road commissioners, and actual traveling expenses not to exceed five hundred dollars in any one year; vouchers for said traveling expenses shall be filed with the proper officer.

17. The official reporter of each department of the superior court shall be and he is hereby constituted a county officer and shall receive, as full compensation for taking notes in civil and criminal cases tried in said courts, a salary of one thousand eight hundred dollars per annum,

payable in equal monthly installments, out of the county treasury, at the same time and in the same manner as the salaries of other county officers; he shall without further compensation act as the secretary of the judge of such department of the superior court; and for transcription of said notes, when required, they shall receive the sum of twenty cents per folio for the original and five cents per folio for a copy, and also actual traveling expenses, when reporting outside of the county seat. Said compensation for transcribing in criminal cases, preliminary examinations, and inquests, and traveling expenses, to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or, when ordered by the judge, by either party or jointly by both parties as the court may direct. [Amended March 20, 1905; Stats. 1905, p. 424. In effect in sixty days.]

Section 168. In counties of the eleventh class, the county and township officers shall receive, as compensation for the services required by them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand six hundred dollars per annum; and there shall be, and there hereby is allowed to the county clerk, two deputies who shall be appointed by the county clerk and shall each be paid a salary of twelve hundred dollars per annum.

2. The sheriff shall receive five thousand dollars per annum; and there shall be and there hereby is allowed to the sheriff, one deputy, who shall be appointed by the sheriff and shall be paid a salary of one thousand five hundred dollars per annum.

3. The recorder, two thousand five hundred dollars per annum, and there shall be and there is hereby allowed to the county recorder two deputies who shall be appointed by the recorder and shall be paid a salary of seven hundred and fifty dollars per annum each.

4. The auditor shall receive two thousand seven hundred dollars per annum.

5. The treasurer shall receive two thousand four hundred dollars per annum.

6. The tax collector shall receive two thousand eight hundred dollars per annum.

7. The license collector shall receive ten per cent of all licenses collected by him.

8. The assessor shall receive four thousand five hundred dollars per annum. He may employ such assistance as may be necessary in making maps, plats and drawings essential for use in the assessor's office in the performance of his duty and the expense thereof shall be a charge against the county.

9. The district attorney shall receive two thousand four hundred dollars per annum; and there is hereby allowed to the district attorney one deputy to be appointed by him who shall receive a salary of one thousand dollars per annum.

10. The coroner, shall receive such fees as are now, or may hereafter be allowed by law.

11. The public administrator shall receive such fees as are now, or may hereafter be allowed by law.

12. The superintendent of schools, two thousand dollars per annum; and there shall be and there is hereby allowed to the superintendent of schools, one deputy, who shall be appointed by the superintendent of schools, and shall be paid a salary of seven hundred and fifty dollars per annum.

13. The surveyor shall receive two thousand dollars per annum; and necessary traveling expenses while in the performance of the duties of his office.

14. Each supervisor nine hundred dollars per annum, and mileage at twenty cents per mile, for all distances traveled by him as supervisor or as road commissioner; such mileage not to exceed, in any one year, the sum of seven hundred and fifty dollars.

15. The official shorthand reporter shall receive two thousand dollars per annum for the department of the superior court to which he has been appointed. Whenever one reporter shall be appointed to, and shall perform the duties required of the official shorthand reporter, for more than one department of said superior court he shall receive a salary therefor of two thousand five hundred dollars per annum. In addition thereto, he shall receive for transcribing notes, the sum of ten cents per folio, for the original, and five cents per folio for all copies thereof. Subdivision fifteen hereof, relating to the salaries and fees of official shorthand reporters, shall take effect immediately.

16. In townships having a population of seven thousand or over, two justices of the peace shall be elected, and each shall receive a salary of fifty dollars per month. In townships having a population less than seven thousand and over four thousand there shall be but one justice of the peace elected and he shall receive a salary of thirty dollars per month. In all other townships there shall be but one justice of the peace who shall receive a salary of twenty dollars per month. All justices in counties of this class shall, in addition to the salaries above provided for, receive and collect for their own use and benefit, in civil cases only, the following fees, to wit:

1. Each justice of the peace shall be allowed, in civil actions for all services before trial or entry of judgment, by default or confession, two dollars and for all additional services in such action, including execution and satisfaction of judgment, two dollars.

2. For the trial of civil actions and all proceedings subsequent thereto, three dollars.

3. For certificate and transmitting papers and transcript on appeal, one dollar.

4. For copies of papers on docket per folio, ten cents.

5. For issuing a search warrant, the fee to be paid by the party demanding the same, one dollar.

6. For celebrating a marriage, and returning a certificate thereof to the county recorder, five dollars.

7. For taking an acknowledgment of an instrument, for the first name fifty cents, and for each additional name twenty-five cents.

8. For administering an oath, and certifying the same, fifty cents.

9. For issuing a commission to take testimony, one dollar.

10. For all services connected with the posting of estrays, one dollar.

11. For issuing each affidavit, certificate process writ, order, or paper required by law to be issued, not otherwise herein provided for, twenty-five cents.

13. For taking bail in all proceedings, pending before another magistrate, fifty cents.

14. In townships having a population of seven thousand or over two constables shall be elected and each shall receive a salary of forty dollars per month. In townships having a population less than seven and over four thousand,

there shall be but one constable elected, and he shall receive a salary of twenty-five dollars per month. In all other townships there shall be but one constable who shall receive twenty dollars per month.

All constables in addition to the salaries above provided for, shall receive and collect, for their own use and benefit, in civil cases only, the following fees, to wit:

1. For serving summons and complaint, for each defendant served, fifty cents.

2. For each copy of summons made by him, twenty-five cents.

3. For levying writ of attachment or execution, or executing an order of arrest, in a civil case or for delivery of personal property, two dollars.

4. For serving a writ of attachment or execution on any ship, boat, or vessel, three dollars.

5. For keeping personal property, such sum as the court may order; but no more than two dollars fifty cents per day, for a keeper, when necessarily employed.

6. For taking a bond or undertaking, one dollar.

7. For copies of writs or other papers, except summons, complaints, and subpoenas, per folio, fifteen cents; *provided*, that when correct copies are furnished him for use, no charges shall be made for such copies.

8. For serving any writ, notice or order, except summons, complaint, or subpoena, for each person served, fifty cents.

9. For writing and posting each notice of sale of property, fifty cents.

10. For furnishing notice of publication, twenty-five cents.

11. For serving subpoenas, each witness including copy, fifty cents.

12. For collecting money on execution two and one half per cent.

13. For executing and delivering certificate of sale, fifty cents.

14. For executing and delivering constable's deed, two dollars and fifty cents.

15. For each mile actually traveled within his county, in the service of any civil writ, order, or paper, in going only, per mile, twenty-five cents. No constructive mileage shall be allowed.

16. For each mile necessarily traveled within his county, in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents; and the actual cost of the transportation of the prisoner or prisoners from the place of arrest to the justice court, and the necessary expense of assistance; *provided*, that for traveling in performance of two or more official services at the same time, including the service of criminal process, but one mileage shall be charged.

17. For each mile necessarily traveled outside his county in executing a warrant of arrest, both in going to and returning from the place of arrest, fifteen cents.

18. For transporting prisoners to the county jail, from the justice's court or from the county jail to the justice's court, the actual cost of transportation and assistance, and mileage at twenty-five cents per mile, one way. In conveying two or more prisoners, but one mileage shall be charged.

19. For each day in which the constable is charged with the custody of a prisoner or prisoners, two dollars fifty cents, and for necessary expense of maintenance and assistance in keeping said prisoners.

20. For summoning a jury in a civil case, twenty-five cents for each of the persons so summoned, and mileage at the rate of twenty-five cents per mile, going only.

21. For attending court during the trial of a civil cause, per day, three dollars.

22. For making sales of estrays in civil cases, the same fees as for sales on execution.

23. For serving writ of possession or restitution, putting a person in possession of the premises, and removing the occupants therefrom three dollars per day, and mileage at twenty-five cents per mile, going only.

24. The mileage provided for herein shall be computed for the shortest practicable traveled route between the two points for which mileage is claimed.

17. All salaries provided for in this act shall be paid out of the treasury of the county in monthly installments, and all fees shall be paid from the county treasury as other bills against the county are paid.

Sec. 2. All acts and parts of acts in conflict with this act are hereby repealed. [Amendment approved March 20, 1905; Stats. 1905, p. 524. In effect in part immediately and in part in sixty days.]

Section 169. In counties of the twelfth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a great register of voters is ordered he shall receive five hundred dollars additional, which shall be in full for all services rendered in registering voters and making the great register.

2. The sheriff, four thousand five hundred dollars per annum, and the fees or commissions for the service of all papers whatsoever issued by any court outside of his county. He shall appoint a jailer to take charge of the branch county jail, at a salary of six hundred dollars per annum, to be paid by the county.

3. The recorder, twenty-two hundred and fifty dollars per annum.

4. The auditor, eighteen hundred dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, (fifteen hundred) three thousand dollars per annum.

7. The assessor, three thousand dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, five hundred dollars per annum.

11. The superintendent of schools, fifteen hundred dollars per annum, and his actual traveling expenses while visiting schools.

12. The surveyor shall receive seven dollars per diem for each day actually employed in the performance of his duties as a county officer, and in addition thereto all necessary expenses, such as transportation and pay of help which may be necessary for the performance of county duties.

13. Justices of the peace, the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases. In townships having a population of six thousand or more, one hundred dollars per month; in townships having a population of two thousand four hundred

and less than six thousand, seventy-five dollars; in townships having a population of two thousand and less than two thousand four hundred, sixty-five dollars; in townships having a population of one thousand five hundred and less than two thousand, fifty-five dollars; in townships having a population of one thousand and less than one thousand five hundred, thirty dollars; in townships having a population of eight hundred and less than one thousand, twenty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population of less than five hundred, ten dollars. Each justice must pay into the county treasury once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as now or hereafter may be allowed by law for all services performed by him in civil actions.

14. Constables, the following salaries which shall be paid monthly as salaries of county officers are paid, and which shall be in full for all services rendered by them in criminal cases, to wit: In townships having a population of two thousand one hundred and more, one hundred dollars; in townships having a population of one thousand five hundred and less than two thousand five hundred, eighty dollars; in townships having a population of one thousand and less than one thousand five hundred, fifty dollars; in townships having a population of eight hundred and less than one thousand, thirty dollars; in townships having a population of five hundred and less than eight hundred, fifteen dollars; in townships having a population less than five hundred, ten dollars. In addition to the monthly salary allowed herein, each constable may receive and retain for his own use such fees as are now or hereafter may be allowed by law for all services performed by him in civil actions. For the purposes of this act the basis of calculation for fixing the compensation of the justices and constables above mentioned, the population of the different townships of the county shall always be based upon the figures as shown by the last United States census; *provided, however*, that whenever the census of any township or townships shall have been taken under the provisions of this act, said census may become the basis of calculation.

15. Each member of the board of supervisors, six hundred dollars for all services rendered and including mileage;

provided, that when required to go on business to any point outside of said county they shall be allowed actual necessary expenses.

16. The official court reporter for all services required of him in the superior court, excepting for transcribing his notes, a salary of one thousand five hundred dollars per annum, to be paid by the county monthly as the salaries of county officers are paid. For transcribing his notes of testimony in the superior court when required seven cents per folio for original and four cents per folio for copies to be paid for when completed by the party in a civil action who directs the work to be done, but the same shall ultimately be taxed as costs in the case. In criminal proceedings in the superior court when the judge orders the notes transcribed the same shall be paid from the county treasury on the order of the court. When the services of the reporter are demanded in any civil matter the clerk shall collect each day in advance two dollars and fifty cents from each side to the controversy, and pay the same into the county treasury. At the conclusion of the trial or proceeding, in civil matters, such reporter's fees shall be taxed as costs in the same manner that other casts are taxed in the case.

17. Members of the county board of education shall receive ten cents per mile for traveling from his or her residence to the county seat; *provided*, that mileage be not allowed for more than two meetings in any one month. [Amendment approved March 21, 1905; Stats. 1905, p. 676. In effect in sixty days.]

Section 170. In counties of the thirteenth class the county and township offices shall receive, as full compensation for the services required of them by law or by virtue of their offices, the following fees and salaries:

1. The county clerk, thirty-three hundred dollars per annum; *provided*, that in any year that the compilation of a great register is required by law to be made, he shall receive six hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register.

2. The sheriff, thirty-five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him, at the rate of five cents per mile for every mile necessarily traveled in the performance of his duty or in the serving of papers of any kind.

3. The recorder, twenty-one hundred dollars; *provided*, *however*, that in counties of this class the recorder shall be entitled to the actual cost incurred by him for the recording of all papers and documents in his office not exceeding seven cents per folio for each paper or document so recorded; *provided further*, that said recorder shall file monthly, with the county auditor, a verified statement showing in detail the persons and the amounts paid to each for such recording.

4. The auditor, two thousand dollars per annum.

5. The treasurer, eighteen hundred dollars per annum.

6. The tax collector, twenty-four hundred dollars per annum, *provided* that said tax collector shall be allowed one clerk for the period of six months during each fiscal year who shall be appointed by said tax collector and be paid a salary of seventy-five dollars per month, the said salary to be paid by the said county in monthly installments at the same time, and in the same manner, and out of the same fund, as the salary of the tax collector is paid.

7. The assessor, eighteen hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Each supervisor. Each member of the board of supervisors, six hundred dollars per annum and actual mileage to and from the county seat while in the discharge of his official duties, and mileage as road commissioner, fifteen cents per mile, one way; *provided* the amount of mileage for each supervisor shall not exceed the sum of three hundred dollars in any one year.

14. For the purpose of regulating the compensation of justices of the peace and constables, judicial townships in this class of counties are hereby classified according to their population as follows:

Townships containing a population of six thousand five hundred or more shall belong to and be known as townships of the first class; townships containing a population of less than six thousand five hundred and more than four thousand

five hundred shall belong to and be known as townships of the second class; townships containing a population of less than four thousand five hundred and more than two thousand five hundred shall belong to and be known as townships of the third class; townships containing a population of less than two thousand five hundred and more than one thousand, shall belong to and be known as townships of the fourth class; townships containing a population of less than one thousand and more than eight hundred shall belong to and be known as townships of the fifth class; townships containing a population of less than eight hundred shall belong to and be known as townships of the sixth class. The population of the several judicial townships shall be determined for the purpose of this and the succeeding section, by multiplying by five the total vote cast in such townships for governor at the last general election held November fourth, nineteen hundred and two, as indicated by the official election returns of said election.

15. Justices of the peace shall receive the following fees and salaries, which shall be paid monthly in the same manner as the salaries of the county officers are paid, out of the general fund of the county, which shall be in full for all services rendered by them in criminal cases; *provided, however*, that if two justices of the peace shall be elected and qualify in any one township, then the said justices shall each receive one half of the salary therein provided for, to wit:

In townships of the first class, seventy-five dollars per month; in townships of the second class, fifty dollars per month; in townships of the third class, twenty-five dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class five dollars per month; in townships of the sixth class, such fees as are now or may hereafter be allowed by law.

Each justice must pay into the county treasurer once a month all fines collected by him. In addition to the monthly salaries herein allowed, each justice may receive and retain for his own use, such fees as are now or may hereafter be allowed by law for services rendered by him in civil cases; justices of the peace of the first and second classes shall be allowed their actual office rent, not to exceed the sum of fifteen dollars each, for any one month.

Constables shall receive the following fees and salaries which shall be paid monthly in the same manner as the sal-

aries of the county officers are paid out of the general fund of the county, and which shall be in full for all services rendered by them in criminal cases, to wit:

In townships of the first class, thirty dollars per month; in townships of the second class, thirty dollars per month; in townships of the third class, twenty dollars per month; in townships of the fourth class, fifteen dollars per month; in townships of the fifth class, five dollars per month; in townships of the sixth class, such fees as are now or may hereafter be allowed by law; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest or any other process in a criminal case (where such service is in fact made) both going and returning ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail, a constable shall be allowed his actual expenses each way. In addition to the monthly salary allowed him herein, each constable shall receive for his own use, in civil cases, the fees which are now or may hereafter be allowed by law.

The compensations herein provided for justices of the peace and constables shall take effect and be in force on and after the first Monday in April, nineteen hundred and three.

16. The official reporter of the superior court shall receive the fees allowed by law.

17. The compensation allowed each officer above enumerated shall be in full for all services, and shall include the pay of all deputies (except in the case of the district attorney wherein one deputy is provided for within the discretion of the board of supervisors) except as provided in section two hundred and fifteen of the county government act, approved eighteen hundred and ninety-seven, wherein it provides certain fees and commissions for the assessor and license collector.

Sec. 2. All acts and parts of acts inconsistent with this act in so far as they are inconsistent are hereby repealed.

Sec. 3. This act shall take effect and be in force from the first Monday in January, A. D. 1907, unless herein otherwise provided. [Amended March 20, 1905; Stats. 1905, p. 547.]

Section 171. In counties of the fourteenth class the

county and township officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries and fees, to wit:

1. The county clerk, two thousand seven hundred dollars per annum. In counties of this class there shall be and there is hereby allowed to the county clerk for his own use and to be paid out of the county treasury monthly in the same manner as salaries of other county officers are paid, the sum of five cents for the name of each defendant entered in the index labeled "general index-defendants" as provided in subdivision four of section four thousand two hundred four of the Political Code and in subdivision four of section one hundred seven of an act entitled "An act to establish a uniform system of county and township governments" approved April first, one thousand eight hundred ninety-seven, as amended March twenty-third, one thousand nine hundred one; and the further sum of five cents for each document recorded by said county clerk under the provisions of section one thousand three hundred eighty-seven of the Code of Civil Procedure; and the further sum of five cents for each name contained in the index of registration books, to be prepared by said clerk, under the provisions of section one thousand one hundred fifteen of the Political Code of the State of California.

2. The sheriff, four thousand dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage for service of any papers issued by any court outside of his county.

3. The recorder, two thousand one hundred dollars per annum.

4. The auditor two thousand two hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector and license collector two thousand two hundred dollars per annum.

7. The assessor three thousand dollars per annum.

8. The district attorney two thousand seven hundred dollars per annum, and his traveling, office and other expenses in criminal matters and cases, and in civil actions, proceedings and all other matters in which the county is interested incurred by him in the performance of his duties; and all the expenses incurred by him in the detection of crime and prosecution of criminal cases and in civil actions and pro-

ceedings and all other matters in which the county is interested.

9. The coroner such fees as are now or may be hereafter allowed by law.

10. The public administrator such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand one hundred dollars per annum and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. The justices of the peace such fees as are now or may be hereafter allowed by law.

14. Each member of the board of supervisors, six hundred dollars per annum and ten cents per mile mileage in traveling to and from his residence to the county seat; and for his services as road commissioner he shall receive twenty cents per mile for all distances actually traveled by him in the performance of his duties within the county; *provided* he shall not in any one year receive more than six hundred dollars as such road commissioner.

15. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto they shall receive three dollars per day for attending court when required to do so during the actual trial of the issues of fact of a case, or during the examination of a criminal charge before a magistrate while the evidence is being taken and not otherwise; *provided*, that no more than three dollars shall be charged or received for any one day, *and provided further* that when the constable is required to attend upon the trial of more than one civil case on the same day his fees for attendance shall be equally apportioned to the several cases. Constables may also, by first obtaining an order of the district attorney of this county, or of a superior judge of this state, employ a temporary guard for the safe keeping or protection of prisoners when necessary, and shall be entitled to collect the actual, reasonable cost thereof as a county charge.

Sec. 2. All acts and parts of acts inconsistent with this are hereby repealed. [Amendment approved March 21, 1905; Stats. 1905, p. 670. In effect in sixty days.]

Section 172. In counties of the fifteenth class the county and township officers shall receive as compensation for the

services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, thirty-two hundred and fifty dollars per annum.

2. The sheriff, four thousand dollars per annum; and such mileage as is now allowed by law and also all fees for service of papers in actions arising outside of his county.

3. The recorder, fifteen hundred dollars per annum, and four and one half cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including indexing.

4. The auditor, two thousand dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The superior judge, three thousand five hundred dollars per annum.

8. The assessor, thirty-five hundred dollars per annum; *provided*, that in counties of this class there shall be seven field deputy assessors, who shall be appointed by the assessor of said county, and who shall hold office from twelve o'clock meridian from the first Monday in March of each year up to twelve o'clock meridian of the first Monday of July of each year; the salaries of each of said seven deputy assessors herein provided for is fixed at the sum of one hundred dollars per month, to include horse hire and traveling expenses for each month during which they hold office as herein provided, which said salaries shall be paid by said county at the same time and in the same manner and out of the same fund as the salary of the assessor; *provided*, that all commissions shall be paid into the county treasury.

9. The district attorney, twenty-five hundred dollars per annum.

10. The coroner, such fees as are now or may be hereafter allowed by law.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The superintendent of schools, twenty-two hundred and fifty dollars per annum, and actual traveling expenses when visiting the schools of the county, and keep his office open on all business days.

13. The surveyor, eight dollars per day while actually employed by the county.

14. Justices of the peace shall receive the following month-

ly salaries, to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases in townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Constables shall receive the following monthly salaries to be paid each month and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases, in townships having a population of more than eight thousand, seventy-five dollars per month; in townships having a population of less than eight thousand and more than five thousand, fifty dollars per month; in townships having a population of less than five thousand and more than two thousand, twenty-five dollars per month; in townships having a population of less than two thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil action.

16. Supervisors, five hundred dollars each per annum, and mileage at the rate of ten cents per mile in going to and coming from the place of meeting of the board, not more than four board meetings per month; and as road commissioner, four dollars per day, not to exceed four hundred dollars per year in the aggregate.

17. For the purposes of subdivisions 14 and 15 of this section, the population of the several judicial townships shall be ascertained by the board of supervisors by multiplying by five the vote for presidential electors cast in each township at the next preceding election. [Amendment approved March 20, 1905; Stats. 1905, p. 430. In effect in sixty days.]

Section 173. In counties of the sixteenth class the county and township officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum. The sheriff shall also receive, in all civil cases, for his own use and benefit, the fees, commissions and mileage, which are now or which may hereafter be allowed by law, and the fees or commissions for the service of all papers whatsoever issued by any court of the state outside of his county.
3. The recorder, twenty-nine hundred dollars per annum.
4. The auditor, twenty-four hundred dollars per annum.
5. The treasurer, eighteen hundred dollars per annum.
6. The tax collector, fifteen hundred dollars per annum.
7. The assessor, four thousand dollars per annum.
8. The district attorney, eighteen hundred dollars per annum; *provided*, that he shall have power to appoint one assistant district attorney at a salary of one thousand dollars per annum, payable in the same manner as that of other county officers.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, eighteen hundred per annum, and actual traveling expenses when visiting the schools of his county, but he shall receive no extra compensation for his services on the board of education.
12. The surveyor shall receive one thousand three hundred dollars per annum for all work performed for the county and in addition thereto actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace or otherwise prepare maps, plats, be allowed only the actual cost of preparing the same.
13. The justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal matters:—In townships having a population of five thousand or more, sixty-five dollars per month; in townships having a population of twenty-five hundred and less than five thousand, fifty dollars per month; in townships having a popula-

tion of fifteen hundred and less than twenty-five hundred, forty dollars per month; in townships having a population of one thousand and less than fifteen hundred, thirty dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population less than seven hundred, fifteen dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him. In addition to the monthly salary allowed herein, each justice may receive for his own use such fees as are now, or may be hereafter allowed by law for all services performed by him in civil actions. There shall be one justice of the peace for each of said townships and no more.

14. Constables shall receive the following salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases and all other criminal matters: In townships having a population of five thousand or more, fifty dollars per month; in townships having a population of twenty-five hundred and less than five thousand, forty dollars per month; in townships having a population of fifteen hundred and less than twenty-five hundred, thirty dollars per month; in townships having a population of one thousand and less than fifteen hundred, twenty-five dollars per month; in townships having a population of seven hundred and less than one thousand, twenty dollars per month; in townships having a population less than seven hundred, fifteen dollars per month; *provided*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for the service of a warrant of arrest, or any other process in a criminal case or other criminal matter (when such service is, in fact, made) both going and returning, ten cents per mile; for each mile traveled out of his county, both going to and returning from the place of arrest or other service of process, five cents per mile; for transporting prisoners to the county jail, ten cents a mile each way. In addition to the monthly salary allowed him herein each constable may receive for his own use in civil cases the fees which are now or may hereafter be allowed by law.

15. The supervisors, each the sum of five dollars per day for actual service, (but not to exceed six hundred dollars per annum), and twenty cents per mile for all distances actually traveled, not to exceed two hundred dollars per

annum, in the performance of duties as road commissioner, together with mileage at the rate of twenty cents per mile, in going only, from place of residence to the county seat, at each session of the board.

16. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained and determined by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election. [Amendment approved March 20, 1905; Stats. 1905, p. 485. In effect January 1, 1907.]

Section 174. In counties of the seventeenth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the county clerk the following deputies, who shall be appointed by the county clerk and shall be paid salaries as follows: One chief deputy, at a salary of one hundred dollars per month; one courtroom clerk, at a salary of one hundred dollars per month. The salaries of the chief deputy and courtroom clerk herein provided for shall be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

2. The sheriff, six thousand dollars per annum.

3. The recorder, twenty-eight hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a deputy, who shall be appointed by the said recorder, and who shall be paid the following salary, to wit: ninety dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the recorder is paid.

4. The auditor, twenty-two hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the county auditor one deputy, who shall be appointed by the county auditor and paid a salary of ninety dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county auditor is paid.

5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor two deputies, for a period of four months during each fiscal year, who shall be appointed by said assessor, and be paid a salary of seventy-five dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

8. The district attorney, two thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the district attorney a deputy, who shall be appointed by said district attorney, and who shall be paid the following salary, to wit: Fifty dollars per month, said salary to be paid by said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The county surveyor, shall receive twelve hundred dollars per annum and necessary costs of transportation to and from, and necessary expense in the field while engaged on public work.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States census of nineteen hundred, in lieu of fees in criminal cases, and in full compensation for all services rendered in criminal cases, justices of the peace shall receive a salary of ninety dollars per month, payable at the same time and in the same manner as the salary of other county officers.

14. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that in townships having a population of over six thousand, as shown by the United States

census of nineteen hundred, in lieu of fees in criminal cases and in full compensation of all services rendered in criminal cases, constables shall receive a salary of seventy-five dollars per month, payable at the same time and in the same manner as salaries of other county officers; *provided further*, that in addition to the monthly salary herein allowed, constables of townships of over six thousand inhabitants shall also be allowed all necessary expense actually incurred outside of their townships, in pursuing and conveying prisoners to court or to prison, and said expense shall be audited and allowed by board of supervisors and paid out of the county treasury.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; and as road commissioner, four dollars per day, not to exceed two hundred dollars per annum in the aggregate.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. [Amendment approved March 20, 1905; Stats. 1905, p. 313. In effect in sixty days.]

Section 175. In counties of the eighteenth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.

2. The sheriff, six thousand five hundred dollars per annum, and mileage for the service of any and all processes required by law to be served by him at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty.

3. The recorder, two thousand dollars per annum, and six cents per folio for every instrument of any character transcribed by him or his deputies, which said amount shall be paid by the county treasurer out of the county treasury.

4. The auditor, three thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand six hundred dollars per annum; *provided*, that as such tax collector or as ex-officio license collector he shall not have or receive any compensation for or percentage upon the collection of any license.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum.

9. The coroner, such fees as are now, or may be hereafter allowed by law.

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

11. The superintendent of schools, one thousand eight hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy at a salary of one thousand two hundred dollars per annum.

12. The surveyor, such fees as are now, or may hereafter be allowed by law.

13. Justices of the peace shall receive the following monthly salaries to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered as hereinafter provided:

In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in.

In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered

in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases:

In townships having a population of more than three thousand, fifty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions.

In townships having a population of not less than two thousand and under three thousand, forty dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In townships having a population of not less than one thousand and under two thousand, twenty-five dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil cases.

In townships having a population of less than one thousand, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed in civil cases.

In addition to the monthly salary allowed herein, each constable shall also be allowed ten cents per mile for each mile necessarily traveled in the execution of all criminal process, and all expenses necessarily and actually incurred by him in transporting prisoners to court and to prison.

15. It shall be the duty of each and every constable and justice of the peace to file, on or before the first Monday

of each and every month, a full and complete statement, showing all business both civil and criminal done during the preceding month with the board of supervisors, and shall file same on or before said date above mentioned with the clerk of said board. The statement of the constables shall contain a full and correct account of all process served in both civil and criminal actions, also in criminal cases places where defendants were arrested, together with the mileage. And justices of the peace shall file a full and correct statement of all civil and criminal actions and fees received therefrom. Said statements to be sworn to either before the county clerk or some officer allowed by law to administer oaths.

16. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers aforesaid.

17. The provisions of section one hundred and seventy-five shall be in force from and after the passage of this act.

18. Each supervisor, \$1,000.00 per annum for personal services performed by him as supervisor, member of the board of equalization and road commissioner. Each supervisor shall also receive his actual and necessary traveling expenses incurred in performing any of the duties of his office, to be allowed by the board of supervisors and paid out of the county general fund; *provided*, that the amount so allowed him for such expenses shall not exceed \$40.00 for any one month.

19. No fees shall be allowed the sheriff or tax collector for collecting licenses in counties of this class. [Amendment approved March 20, 1905; Stats. 1905, p. 482. In effect immediately.]

Section 176. In counties of the nineteenth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, thirty-two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy county clerk, who shall be appointed by the county clerk, and paid a salary of seventy-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the county clerk is paid.

1½. A registration clerk to be appointed by the county clerk and to hold office during the pleasure of the county clerk, at a salary of seventy-five dollars per month, payable out of the same fund and in the same manner as the salary of other county officers are paid.

2. The sheriff, five thousand dollars per annum, and such mileage as is now allowed by law; all expenses incurred in criminal cases, and also all fees for services of papers in actions arising outside of his county and the sum of 37½ cents per day, for feeding each prisoner committed to his custody; and one deputy sheriff to act as jailer, shall be appointed by the sheriff, and be paid a salary of fifty dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the sheriff is paid.

3. The recorder, thirty-two hundred and fifty dollars per annum, and ten cents per name for inserting each name (as grantor or grantee), in the general index; and ten cents for each and every mortgage, trust-deed and tax sale abstracted in preparing abstract of mortgage and tax sales for the assessor; the cost thereof shall be a charge against the county and payable out of the general fund.

4. The auditor, two thousand four hundred dollars per annum. The county auditor shall charge and collect for the clerical service of making estimates of tax sales provided for in section 3817 of the Political Code, the sum of 25 cents for each tax sale. If the property is delinquent for two years or less, the sum of 50 cents for each sale if the property is delinquent for more than two years.

If said estimates are returned to the auditor and redemption made within ten days from date of issue and prior to the charge of penalty, as provided for in section number 3817 of the Political Code, the amount charged for making said estimates shall be refunded to the redemptioner. If the redemption is not made as herein provided then the sum charged for making the estimate shall be retained by said auditor for his services of making said estimates.

5. The treasurer, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy treasurer, who shall be appointed by the treasurer, and paid a salary of sixty-five dollars per month; said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the treasurer is paid; *provided* that a

bond of the treasurer shall be executed with a reliable bond and security company, and that the cost of said bond, when duly approved, shall be a charge against the county and payable out of the general fund.

6. The tax collector, eighteen hundred dollars per annum, and as license tax collector, ten per cent, of all licenses collected; *provided*, that in counties of this class there shall be one deputy tax collector, who shall be appointed by the tax collector, and paid a salary of sixty-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the tax collector is paid.

7. The district attorney, twenty-five hundred dollars per annum; *provided*, that in counties of this class there shall be one deputy district attorney, who shall be appointed by the district attorney, and paid a salary of one hundred dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the district attorney is paid.

8. The superintendent of schools, eighteen hundred dollars per annum; and actual traveling expenses when visiting the schools of his county; *provided*, that in counties of this class there shall be one deputy superintendent of schools, who shall be appointed by the superintendent of schools, and paid a salary of seventy-five dollars per month, said salary to be paid by the said county in monthly installments, at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

9. The assessor, thirty-two hundred and fifty dollars per annum; *provided*, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor, to hold office during the months of March, April, May, and June, in each year, and be paid a salary of seventy-five dollars per month, during said four months, said salary to be paid by the said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the assessor is paid.

10. The coroner, such fees as are now or may be hereafter allowed by law.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, fifty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, forty-five dollars a month; in townships having a population of twelve hundred and less than two thousand, forty dollars a month; in townships having a population of one thousand and less than twelve hundred, twenty dollars a month; in townships having a population of four hundred and fifty, and less than one thousand, fifteen dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month. Each justice must pay into the county, once a month, all fines collected by him in criminal cases, and the auditor must withhold warrants for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

14. Constables shall receive the following salaries to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand or more, one hundred dollars a month; in townships having a population of twenty-five hundred and less than three thousand, eighty dollars a month; in townships having a population of two thousand and less than twenty-five hundred, seventy-seven and one half dollars a month; in townships having a population of twelve hundred and less than two thousand, seventy-five dollars a month; in townships having a population of one thousand and less than twelve hundred, thirty-five dollars a month; in townships having a population of four hundred and fifty and less than one thousand, twenty-five dollars a month; in townships having a population of less than four hundred and fifty, five dollars a month; *provided further*, that in addition to the

salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as are now or may be hereafter allowed by law. For transporting prisoners to the county jail, the actual expense of such transportation. In addition to the monthly salaries allowed him herein, each constable may receive for his own use in civil cases the fees allowed by law.

15. The population of the several judicial townships, for the purpose of fixing the compensation of township officers, shall be ascertained and declared by the board of supervisors on the first Monday after the first day of January, nineteen hundred and three, and on the first Monday after the first day of January every succeeding two years thereafter.

16. Each member of the board of supervisors, nine hundred dollars per annum: And as road commissioner, three hundred dollars per annum.

17. Grand jurors or trial jurors in criminal cases in the superior court shall receive, as compensation for each day's attendance, per day, three dollars; and for each mile actually traveled, in attending court as a grand juror or juror in a criminal case, in the superior court in going only, per mile, fifteen cents. The county clerk shall certify to the auditor the number of days attendance and the number of miles traveled by each juror, and the auditor shall draw his warrant for the amount to which each juror is entitled, and the treasurer shall pay the same. [Amendment approved March 20, 1905; Stats. 1905, p. 352. In effect in sixty days.]

Section 177. In counties of the twentieth class, county officers shall receive as compensation for the services required of them by law or by virtue of their offices, the following salaries to wit:

1. The county clerk, three thousand two hundred dollars per annum; *provided*, that in years when a great register is ordered the county clerk shall receive in addition to his regular salary the sum of five hundred dollars for such service.

2. The sheriff, forty-three hundred dollars per annum, and all commissions, fees and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, twelve hundred dollars per annum, and six cents per folio for every instrument of any character

transcribed by him or his deputies, and five cents for each name indexed, which said amount shall be paid out of the county treasury, and which payment shall be in full for all services, including the recording of mining claims.

4. The auditor, two thousand two hundred dollars per annum. The county auditor shall charge and collect for the clerical labor of making estimates of tax sales, provided for in section thirty-eight hundred and seventeen of the Political Code, the sum of twenty-five cents for each tax sale, if the property is delinquent for two years or less; and the sum of fifty cents for each sale if said property is delinquent for more than two years. If said estimates are returned to the auditor and redemption made within twenty days from the date of issue and prior to the charge of penalties as provided in section thirty-eight hundred and seventeen of the Political Code, the amounts charged for making said estimates shall be refunded to the redemptioner; if redemption is not made as herein provided, then the sums charged for making the estimates shall be retained by the auditor for his services of making said estimates.

5. The treasurer, eighteen hundred dollars per annum; *provided*, that in counties of this class there shall be and there hereby is allowed to the treasurer one deputy, to be appointed by him, who shall receive from the county a salary of forty dollars (\$40) per month, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the treasurer.

6. The tax collector, twenty-five hundred dollars per annum.

7. The assessor, forty-eight hundred dollars per annum, which shall be in full for all work in his office and for his field deputies.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now, or may be hereafter allowed by law.

11. The superintendent of schools, two thousand dollars per annum. His office shall be kept open on all business days from 9 A. M. to 5 P. M. He shall be allowed his actual traveling expenses when visiting the schools of his county, *provided* that in counties of this class there shall be and there hereby

is allowed to the county school superintendent of schools, one deputy to be appointed by him who shall receive from the county a salary of eighty-five dollars (\$85) per month, to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools.

12. The surveyor, fifteen hundred dollars per annum, and in addition thereto all necessary expenses and transportation on work performed in the field; *provided*, that in counties of this class, when the board of supervisors order a new set of assessors' maps made, there shall be and there hereby is allowed to the surveyor, for such purpose, three draughtsmen, who shall be appointed by the surveyor of said county and shall be paid salaries as follows: one draughtsman, at a salary of eighty dollars (\$80) per month; two draughtsmen at a salary of seventy-five dollars (\$75) per month each. The salaries of the draughtsmen, herein provided for, shall be paid in monthly installments at the same time and in the same manner and out of the same fund as the salary of the surveyor.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: in townships having a population of eight thousand or more, seventy-five dollars per month; in townships having a population of six thousand and less than eight thousand, fifty dollars per month; in townships having a population of four thousand and less than six thousand, twenty-five dollars per month; in townships having a population of two thousand and less than four thousand, fifteen dollars per month; in townships having a population of one thousand and less than two thousand, ten dollars per month; in townships having a population of less than one thousand, five dollars per month; *provided*, that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month. Each justice must pay into the county treasury, once a month, all fines collected by him in criminal cases, and the auditor shall withhold warrant for salary until a sworn statement has been filed with him of all criminal cases tried and fines collected and paid into the county treasury. In addition to the monthly salary allowed herein, each justice may receive for his own use in civil cases the fees allowed by law. For all services appertaining

to the coroner's office which the coroner is unable to attend to, the justice of the peace shall receive the same fees as are allowed the coroner in similar cases.

14. Constables shall receive the following monthly salaries, to be paid each month as the salaries of county officers are paid, which shall be in full for all services rendered by them in criminal cases; in townships having a population of eight thousand or more, seventy-five dollars a month; in townships having a population of six thousand and less than eight thousand, fifty dollars a month; in townships having a population of four thousand and less than six thousand, twenty-five dollars a month; in townships having a population of two thousand and less than four thousand, fifteen dollars a month; in townships having a population of one thousand, and less than two thousand, ten dollars a month; in townships having a population of less than one thousand, five dollars a month; *provided* that in all townships having an area equal to or exceeding one thousand square miles, such salary shall not be less than fifty dollars per month; *provided further*, that in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his own township, for service of a warrant of arrest or any other paper in a criminal case, both going and returning, ten cents per mile; for each mile traveled out of his county, both going and returning from the place of arrest or other service, five cents per mile. For transporting prisoners to the county jail, the actual cost of such transportation. In addition to the monthly salary allowed him herein, each constable shall receive for his own use in civil cases the fees allowed by law.

15. The population of the several townships shall be determined by the last United States census, and in case townships are formed after the taking of the census, then the population shall be determined by multiplying the vote for presidential electors cast in such township at the last preceding general election by five.

16. Each supervisor, five hundred dollars per annum, and fifteen cents per mile one way for traveling from his residence to the county seat; *provided*, that not more than four mileages shall be allowed in any one month. When serving as road commissioner, such fees as are now or may be hereafter allowed by law.

17. In counties of this class the official reporter of the superior court shall receive as full compensation for taking

notes in civil and criminal cases tried in said court, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, when requested by the coroner, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, when requested by the district attorney, a monthly salary of one hundred dollars (\$100) payable out of the county treasury, at the same time and in the same manner as the salaries of county officers; and for transcription of said notes when required he shall receive the sum of five cents per folio for the original and five cents per folio for copy, said compensation for transcription in criminal cases, coroner's inquests and preliminary examinations to be audited and allowed by the board of supervisors as other claims against the county and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or when ordered by the judge by either party, or jointly by both parties, as the court may direct. When necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are the other county charges. [Amendment approved March 20, 1905; Stats. 1905, p. 301. In effect in sixty days.]

Section 178. In counties of the twenty-first class county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and when a great register of votes is ordered he shall receive six hundred and fifty dollars additional, which shall be in full for all services rendered in registering votes and making the great register.

2. The sheriff, six thousand dollars per annum. The sheriff shall also receive for his own use, for serving all papers issued from justice's courts, the same fees as are now or may be hereafter allowed by law to constables for like service.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, eight hundred dollars per annum.

5. The treasurer, two thousand five hundred dollars per annum.

6. The tax collector, six hundred and fifty dollars per annum.

7. The assessor, five thousand five hundred dollars per annum.

8. The district attorney, two thousand five hundred dollars per annum; and the district attorney may appoint one deputy, which office is hereby created, at a salary of six hundred dollars per annum. The deputy district attorney to hold office at the pleasure of the district attorney. The salary of such deputy to be paid monthly and in the same manner as salaries of county officers are now paid.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, four hundred dollars per annum.

11. The superintendent of schools, two thousand dollars per annum; *provided*, if he shall engage in any other occupation during his term of office his salary shall only be six hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Each member of the board of supervisors shall receive for his services the sum of nine hundred dollars per annum, and twenty cents per mile in traveling to and from his residence to the county seat; *provided*, that no more than one mileage at any one term of the board shall be allowed, and that one fourth of the annual salary shall be paid at the close of each quarterly session of the board.

14. Justices of the peace, such fees as are now or may be hereafter allowed by law; *provided*, that justices of the peace of townships containing four thousand five hundred inhabitants or more shall be allowed a salary of six hundred dollars per annum, payable monthly and in the same manner as salaries of county officers are paid, and shall be in full for all services rendered by him in criminal cases; *provided further*, that justices of the peace shall, before receiving their monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for same. All fines collected by justices of the peace shall be turned over to the county treasurer of said county within ten days after receipt of same; *provided*, that all fines collected for city offenses shall be turned over to the city treasurer of the city where the offense shall have been committed. In addition to the monthly

salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may be hereafter allowed by law, for all services rendered by him in civil actions.

15. Constables, such fees as are now or may be hereafter allowed by law; *provided*, that constables of townships containing two thousand inhabitants or more shall be allowed a salary of four hundred and eighty dollars per annum, payable monthly and in the same manner as county officers are paid, and shall be in full for all services rendered by them in criminal cases; *provided further*, that they shall be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury. In addition to the monthly salary herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions. For the purpose of regulating salaries of justices and constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred.

16. In counties of this class the official reporter of the superior court shall receive such fees as are now or may be hereafter allowed by law, and when necessary for such reporter to travel away from the county seat in the performance of his duty, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges. [Amendment approved March 20, 1905; Stats. 1905, p. 361. In effect immediately.]

Section 180. In counties of the twenty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk four thousand five hundred dollars per annum; *provided*, that in years when a great register is ordered, the county clerk shall receive in addition to his regular salary the sum of eight hundred dollars for such service.

2. The sheriff, six thousand dollars per annum.

3. The recorder, three thousand two hundred dollars per annum.

4. The auditor, one thousand five hundred dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, one thousand dollars per annum.

7. The assessor, three thousand five hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, to be appointed by him, viz: One deputy for each bona fide increase of two hundred real estate statements made for assessment purposes over and above three thousand of such statements, and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars, for the months of March, April, May and June of each year. The salary of said deputies to be paid in the same manner, and out of the same fund as the assessor, upon the presentation of a certificate that services have been performed, and signed by the assessor.

8. The district attorney, twenty-four hundred dollars per annum; assistant district attorney, nine hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars per annum.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors \$1200.00 per annum, and mileage when acting as road commissioner, 25 cents per mile one way; *provided* the amount of mileage shall not exceed the sum of \$300.00 in any one year. This subdivision of this section shall take effect and be in full force from and after the passage of this act.

16. Member of the board of education, each the sum of five dollars per day for actual service, together with mileage at ten cents per mile. [Amendment approved March 20, 1905; Stats. 1905, p. 318. In effect in part immediately, and in part in sixty days.]

Section 182. In counties of the twenty-fifth class the officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, four thousand dollars per annum.
2. The sheriff, five thousand five hundred dollars per annum.
3. The recorder, two thousand dollars per annum, and six cents for each folio recorded. *Provided*, that the six cents per folio for recording shall go into effect immediately.
4. The auditor, twenty-four hundred dollars per annum.
5. The treasurer, twenty-seven hundred dollars per annum.
6. The tax collector, two thousand dollars per annum, and one deputy, at nine hundred dollars per annum.
7. The assessor, four thousand dollars per annum, and one deputy, at a salary of nine hundred dollars per annum.
8. The district attorney, twenty-five hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county, and one deputy, at nine hundred dollars per annum.
12. The surveyor, shall receive one thousand five hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block book for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each supervisor, five hundred dollars per annum, and ten cents per mile for traveling from his residence to the county seat; *provided*, that not more than one mileage for one session of the board shall be allowed. For serving as

road commissioner, two hundred dollars per annum. [Amendment approved March 20, 1905; Stats. 1905, p. 383. In effect in part immediately, and in part in sixty days.]

Section 183. In counties of the twenty-sixth class, the officers shall receive, as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, five thousand dollars per annum, and twelve and a half cents for each elector registered.

2. The sheriff, seven thousand dollars per annum. He may retain for his own use the mileage and fees for the service of papers or process issued by any court of this state outside of his county.

3. The recorder, sixteen hundred dollars per annum, seven cents for each folio recorded, and five cents for each name indexed.

4. The auditor, two thousand dollars per annum.

5. The treasurer, two thousand dollars per annum.

6. The tax collector, three thousand dollars per annum.

7. The assessor, five thousand dollars per annum.

8. The district attorney, four thousand dollars per annum; *provided*, that he shall be disqualified from engaging in any cause or action to which the county or state is not a party.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum (which shall include his services as a member of the board of education), and his actual traveling expenses when visiting schools, not to exceed ten dollars per district.

12. The surveyor shall receive twelve hundred dollars per annum, and traveling and official expenses in the county.

13. Each supervisor, six dollars per day while in the service of the county, and thirty cents per mile for traveling from his residence to the county seat.

14. In counties of this class the township officers, shall receive the following compensation, to wit:

In townships having a population of six thousand, or more, justices of the peace shall receive a monthly salary of one hundred and twenty-five dollars per month, and con-

stables a monthly salary of one hundred and twenty-five dollars per month;

In townships having a population of three thousand, or more, and less than six thousand, justices of the peace shall receive a monthly salary of one hundred dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of eighteen hundred and forty-four, or more, and less than three thousand, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars;

In townships having a population of seventeen hundred and seventy-five, or more, and less than eighteen hundred and forty-four, justices of the peace shall receive a monthly salary of ten dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of seventeen hundred and sixty, or more, and less than seventeen hundred and seventy-five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of seventy-five dollars per month;

In townships having a population of thirteen hundred and eighty, or more, and less than seventeen hundred and sixty, justices of the peace shall receive a monthly salary of ninety-five dollars per month, and constables a monthly salary of one hundred dollars per month;

In townships having a population of eleven hundred and seventy-five, or more, and less than thirteen hundred and eighty, justices of the peace shall receive a monthly salary of eighty dollars per month, and constables a monthly salary of ninety dollars per month;

In townships having a population of eight hundred and eighty, or more, and less than eleven hundred and seventy-five, justices of the peace shall receive a monthly salary of twenty dollars per month, and constables a monthly salary of thirty dollars per month;

In townships having a population of seven hundred and eighty, or more, and less than eight hundred and eighty, justices of the peace shall receive a monthly salary of forty dollars per month, and constables a monthly salary of fifty dollars per month;

In townships having a population of seven hundred and sixty-five or more, and less than seven hundred and eighty,

justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of six hundred and forty, or more, and less than seven hundred and sixty-five, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of six hundred and five, or more, and less than six hundred and forty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

In townships having a population of five hundred and sixty, or more, and less than six hundred and five, justices of the peace shall receive a monthly salary of fifty dollars per month, and constables a monthly salary of sixty dollars per month;

In townships having a population of two hundred and ten, or more, and less than five hundred and sixty, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars;

In townships having a population of less than two hundred and ten, justices of the peace shall receive a monthly salary of fifteen dollars per month, and constables a monthly salary of twenty dollars per month;

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that each constable shall be allowed and paid out of the county treasury for transporting prisoners to the county jail the actual expense of such transportation;

Said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

And provided, further, that for the purposes of this act, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last preceding presidential election by five.

The salaries of township officers as herein provided for shall be paid in the same manner, at the same time, and out of the same funds, that county officers are paid.

15. The official reporter of the superior court shall receive, as full compensation in taking notes in civil and criminal cases tried in said court, a monthly salary of one hundred

and fifty dollars, payable out of the county treasury at the same time and in the same manner and from the same fund as the salaries of county officers; and for transcription of said notes, when required, he shall receive the sum of fifteen cents per folio for the original and five cents per folio for a copy; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

16. All acts or parts of acts in conflict with this act are hereby repealed. [Amendment approved March 20, 1905; Stats. 1905, p. 385. In effect immediately.]

Section 184. In counties of the twenty-seventh class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries to wit:

1. The county clerk, three thousand dollars per annum, and five hundred dollars additional per annum for compiling great register of the county.

2. The sheriff, five thousand dollars per annum, and the fees, mileage or commissions for the services of all papers whatever issued by any court outside of this county, and all mileage for service of papers issued out of any civil case in his own county.

3. The recorder, two thousand dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees so collected shall amount to more than one hundred and fifty dollars in any month, the said recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and fifty dollars in any month so collected.

4. The auditor, seven hundred and fifty dollars per annum.

5. The treasurer, two thousand dollars per annum, and fees as now provided.

6. The tax collector, two thousand dollars per annum, and fees on delinquent poll taxes, which shall be in full for all services as tax collector.

7. The assessor, three thousand two hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now, or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. Superintendent of schools, one thousand six hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships in this class of counties are hereby classified according to their population, as shown by the federal census of nineteen hundred as follows: Townships having a population of five thousand or more shall belong to and be known as townships of the first class; townships having a population of three thousand and less than five thousand, shall belong to and be known as townships of the second class; townships having a population of one thousand and less than three thousand, shall belong to and be known as townships of the third class, and townships having a population of less than one thousand, shall belong to and be known as townships of the fourth class. Justices of the peace and constables shall receive the following salaries, which shall be paid monthly, in the same manner as salaries of county officers are paid, and which shall be in full of all services rendered by them in criminal cases, to wit: In townships of the first class, seventy-five dollars; in townships of the second class, fifty-five dollars; in townships of the third class, thirty dollars, and in townships of the fourth class, twenty dollars. In addition of the monthly salaries herein allowed, each justice of the peace and constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions. Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expense shall be audited and allowed by the board of supervisors and paid out of the county treasury.

14. In counties of this class the official reporter of the superior court shall receive as full compensation for taking notes in civil and criminal cases in the superior court, tried therein, and at preliminary examinations before the justices' courts of the county and for taking notes at all coroners'

inquests, a monthly salary of one hundred and twenty-five dollars, payable out of the county treasury at the same time and in the same manner as the salary of other county officers, and for transcription of said notes, when required, the sum of ten cents per folio for the original, and five cents per folio for a copy shall be paid the reporter making the transcription; *provided*, that said official reporter herein designated shall perform all the services necessary in the superior court of the county, at all preliminary examinations held before justices of the peace of the county and at all coroners' inquests. Said compensation for transcription in criminal cases, at preliminary examinations and at coroners' inquests to be allowed on the order of the court, or the coroner, as the case may be, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. Said official reporter shall furnish his own typewriting machine, and shall also receive from the county his actual traveling expenses, when required to travel to and from any justices' court within the county, except the county seat.

15. Each member of the board of supervisors shall receive one thousand dollars per annum, payable monthly, which shall be in full for all services as supervisors.

The provisions of subdivisions thirteen, fourteen, and fifteen of this section shall take effect and be in force thirty days from and after the passage of this act. [Amendment approved March 20, 1905; Stats. 1905, p. 391. In effect partly in thirty days and partly in sixty days.]

Section 185. In counties of the twenty-eighth class the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices the following salaries and fees, to wit:

1. The county clerk, three thousand two hundred fifty dollars per annum; and in each year in which a new and complete registration of voters is required by law, he shall receive such additional amount as shall be necessary to pay deputy registration clerks for taking affidavits of registration outside of the office at the rate of ten cents each, the claims for which shall be presented to and allowed by the board of supervisors as other claims are presented and allowed.

2. The sheriff, six thousand dollars per annum.

3. The recorder, two thousand two hundred fifty dollars per annum. The recorder shall collect and pay into the county treasury the fees required by law.

4. The auditor one thousand dollars per annum.

5. The treasurer two thousand dollars per annum.

6. The tax collector one thousand dollars per annum.

7. The assessor four thousand two hundred and fifty dollars per annum.

8. The district attorney, two thousand two hundred fifty dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now, or may hereafter be allowed by law.

11. The superintendent of schools, eighteen hundred dollars per annum, including services on board of education. He shall be allowed his actual traveling expenses not to exceed three hundred dollars per annum; he shall also be allowed one deputy whose salary shall be fifty dollars per month, payable the same as the salaries of county officers; *provided* that he shall keep his office open from 9 o'clock A. M. to 5 o'clock P. M. of each business day.

12. The surveyor shall receive a per diem of ten dollars for all work performed for the county, and in addition thereto, all necessary expenses and transportation on work performed in the field.

13. The justices of the peace, such fees as are now or may hereafter be allowed by law; *provided*, that the amount allowed by the board of supervisors for services in prosecutions under section six hundred and forty-seven of the Penal Code, and prosecutions for fraudulently evading or attempting to evade the payment of fare for traveling on any railroad, shall not exceed twenty dollars for any one month; *provided, further*, that the amount allowed by the board of supervisors for services in prosecutions of misdemeanor cases other than those hereinbefore specified in this subdivision, shall not exceed the sum of thirty dollars for any one month.

14. The constable shall receive the following fees, to wit: for serving summons and complaint, for each defendant served, one dollar; for each copy of summons for service when made by him, twenty-five cents; for levying writ of attachment or execution or executing order of arrest or for the delivery of personal property, one dollar; for keep-

ing personal property, such sum as the court may order, but no more than two dollars per day shall be allowed for a keeper when necessarily employed; for taking bond or undertaking, fifty cents; for copies of writs and other papers, except summons, complaints and subpoenas, per folio ten cents; *provided*, that when correct copies are furnished him for use, no charge shall be made for copies; for serving any writ, notice or order, except summons, complaints or subpoenas, for each person served, fifty cents; for writing and posting each notice of sale of property, twenty-five cents; for serving subpoenas, each witness, including copy, twenty-five cents; for collecting money on execution, two and one half per cent, to be charged against the defendant named in the execution; for executing and delivering certificate of sale, one dollar; for executing and delivering constable's deed, two dollars; for every mile necessarily traveled in his township, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; outside of his township, but within his county, twenty cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the more distant if they live in the same direction; for each mile necessarily traveled outside of his county in making criminal arrests, both going and returning from place of arrest, ten cents; in transporting prisoners to the county jail, or before a magistrate, either upon arrest or for trial or examination, or after conviction, he shall receive in addition to the above mileage, his actual and necessary expenses for himself and prisoner; *provided*, that where two or more prisoners are transported at the same time, no more than one mileage shall be allowed; for making each arrest in criminal cases, one dollar and fifty cents; for sales of estrays, the same fees as for sales on execution; for summoning a jury, two dollars, including mileage; for all other services, the same fees as are allowed sheriffs for like services; *provided further*, that no more than sixty dollars shall be allowed to any constable in counties of this class in any one month for fees and mileage in criminal matters.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to and from the county seat; *provided*, such mileage shall not be allowed more than once a month; and for his services as road commissioner, he shall receive twenty cents per mile

one way for all distances actually and necessarily traveled by him in the performance of his duties; *provided*, he shall not in any one year receive more than three hundred dollars as such road commissioner.

16. In counties of this class grand jurors and jurors in the superior court shall receive for each day's attendance the sum of three dollars, and for each mile actually and necessarily traveled from their residence to the county seat, the sum of twenty-five cents; such mileage to be allowed but once during each session such jurors are required to attend. [Amendment approved March 20, 1905; Stats. 1905, p. 371. In effect in sixty days.]

Section 186. In counties of the twenty-ninth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

The county clerk, two thousand two hundred and fifty (\$2250) dollars per annum, and when a new great register of voters is ordered, he shall receive in addition, fifteen (15) cents per name for each voter registered, which shall be in full for all services required in registering voters and making the great register; *provided*, that in counties of this class there shall be and is hereby allowed to the county clerk, a deputy, who shall be appointed by said county clerk, who shall be paid a salary of seventy-five dollars (\$75) per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund, as the salary of the county clerk is paid.

2. The sheriff, four thousand five hundred dollars (\$4500) per annum; and, also all fees for services of papers in actions arising outside of his county.

3. The recorder, two thousand one hundred dollars (\$2100) per annum.

4. The auditor, one thousand two hundred dollars (\$1200) per annum.

5. The treasurer, two thousand one hundred dollars (\$2100) per annum.

6. The tax collector, one thousand (\$1000) per annum.

7. The assessor, two thousand five hundred dollars (\$2500) per annum; and also such fees and commissions as are allowed by law.

8. The district attorney, two thousand four hundred dollars (\$2400) per annum.

9. The superintendent of schools, two thousand one hun-

dred dollars (\$2100) per annum and actual traveling expenses when visiting the schools of his county.

10. The coroner, such fees as are now or may be hereafter allowed by law.

11. The public administrator, such fees as are now or may be hereafter allowed by law.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law, and in addition thereto three dollars (\$3) per day for each day's actual attendance in court during a jury trial therein or a preliminary examination for felony; *provided*, that no constable shall receive more than three dollars (\$3) for any one day's attendance on any court.

15. Each supervisor, fifty dollars (\$50) per month and mileage at the rate of ten cents per mile for traveling to and from his residence to the county seat at each session.

16. Each member of the board of education, including the secretary, five dollars (\$5) per day when the board is in session, and ten cents per mile for traveling to and from his or her residence to the county seat at each session, unless otherwise provided for by law. [Amendment approved March 20, 1905; Stats. 1905, p. 299. In effect on the first Monday after the first day of January, 1907.]

Section 187. In counties of the thirtieth class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.

2. The sheriff, five thousand seven hundred dollars per annum. Also, the following, to be audited and paid as other county charges: For every mile necessarily traveled in executing any warrant of arrest, twenty-five cents per mile; for taking prisoners to magistrate or jail, the actual cost of such transportation.

3. The recorder, three thousand dollars per annum, which shall be in full for all services.

4. The auditor, one thousand eight hundred dollars per annum.

5. Tax collector, two thousand dollars per annum.

6. Assessor, three thousand two hundred dollars per annum.

7. The treasurer, one thousand six hundred dollars per annum.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, two thousand five hundred dollars per annum, which shall be in full for all services performed, including the visiting of the schools of his county; *provided*, that he may receive such fees as are now or may hereafter be allowed by law for services as a member of the county board of education.

12. The county surveyor shall receive one thousand eight hundred dollars per annum, and the necessary cost of transportation to and from, and necessary expenses while in the field when engaged on public work.

13. For the purpose of regulating the compensation of justices of the peace, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows:

Townships having a population of four thousand or more, shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class.

Justices of the peace shall receive the following salaries, which shall be paid monthly, in the same manner such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided*, however, that if two justices of the peace shall be elected and qualify in any township, then the said justices shall each receive one half ($\frac{1}{2}$) of the salary herein provided for.

In townships of the first class, seventy dollars;

In townships of the second class, sixty dollars;

In townships of the third class, forty dollars;

In townships of the fourth class, twenty dollars;

In townships of the fifth class, ten dollars; *provided*, that each justice of the peace shall, before receiving his monthly salary, file with the auditor a statement of all fines received, together with the treasurer's receipt for the same. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law, for all services rendered by him in civil actions.

14. For the purpose of regulating the salaries of constables, townships in this class of counties are hereby classified according to their population as shown by the federal census of one thousand nine hundred, as follows: Townships having a population of four thousand or more shall belong to and be known as townships of the first class; townships having a population of two thousand and less than four thousand shall belong to and be known as townships of the second class; townships having a population of one thousand and less than two thousand shall belong to and be known as townships of the third class; townships having a population of over five hundred and less than one thousand shall belong to and be known as townships of the fourth class; and townships having a population of less than five hundred shall belong to and be known as townships of the fifth class. Constables shall receive the following salaries, which shall be paid monthly, in the same manner as such salaries of county officers are paid, and shall be in full of all services rendered by them in criminal cases; *provided, however*, that if two constables shall be elected and qualify in any township, then each of the said constables shall each receive one half ($\frac{1}{2}$) of the salary herein provided for:

In townships of the first class, eighty dollars;

In townships of the second class, seventy dollars;

In townships of the third class, fifty dollars;

In townships of the fourth class, twenty-five dollars;

In townships of the fifth class, ten dollars.

In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions, and shall also

be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which said expenses shall be audited and allowed by the board of supervisors and paid out of the county treasury.

15. Each supervisor, six dollars per day when the board is in session and twenty cents per mile for traveling from his residence to the county seat. For his services as road commissioner, three hundred dollars per annum, payable in monthly installments.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in all civil and criminal causes and proceedings in said court, and for taking notes of the proceedings and testimony at all coroner's inquests in the county, and for taking notes of the testimony and proceedings in all examinations before committing magistrates, and for taking notes of the testimony and proceedings of cases and commissions for the examination of persons charged with being of unsound mind, a monthly salary of one hundred dollars, payable out of the county treasury at the same time and in the same manner as the salaries of county officers; and for the transcription of said notes, when the transcription thereof is required by law, or by order of the court, or by demand of any party to the suit or proceeding, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation for transcription in all criminal cases and coroner's inquests and examinations of persons charged with being of unsound mind, to be audited and allowed by the board of supervisors, as other claims against the county, and in civil cases and proceedings to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, when and in such proportions as the court may direct. When necessary for such reporter to travel away from the county seat, he shall receive his actual and necessary traveling expenses, to be allowed and paid by the board of supervisors as are other county charges. [Amendment approved March 20, 1905; Stats. 1905, p. 310. In effect in sixty days.]

Section 189. In counties of the thirty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum, and in any year when a new great register of voters is required by law, he shall receive five hundred dollars additional for said year, which shall be in full for all services required in registering voters and making such new great register.

2. The sheriff, four thousand five hundred dollars per annum, and mileage at the rate of twenty-five cents per mile necessarily traveled in going only.

3. The recorder, three thousand five hundred dollars per annum.

4. The auditor, one thousand eight hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, two thousand dollars per annum.

7. The assessor, four thousand dollars per annum.

8. The district attorney, two thousand four hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor shall receive one thousand six hundred dollars per annum for all work performed for the county, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work; *provided*, that whenever the surveyor is directed by the assessor to plat, trace, or otherwise prepare maps, plats, or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases:

In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than

twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law, and shall also collect and retain for his own use such fees as are now or may be hereafter allowed by law for services rendered by him as coroner, when acting as such.

14. Constables shall receive the following monthly salaries, to be paid each month as salaries of the county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of three thousand five hundred or more, seventy-five dollars per month. In townships having a population of not less than two thousand nor more than three thousand five hundred, seventy dollars per month. In townships having a population of not less than twelve hundred nor more than two thousand, fifteen dollars per month. In all townships having a population of less than twelve hundred, ten dollars per month. In addition to the monthly salary allowed herein, each constable may collect and retain for his own use such fees as are now or may be hereafter allowed by law for all services performed by him in civil actions; and he shall also be allowed his actual and necessary expenses incurred in executing any warrant outside of his county issued by a magistrate or justice of his county.

Constables shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to the county jail, which said expenses shall be audited and allowed by the board of supervisors, and paid out of the county treasury.

15. Each member of the board of education shall receive five dollars per day as compensation for his services when in actual attendance upon said board, and mileage at the rate of twenty-five cents per mile, one way only, from his residence to the place of meeting of said board. The secretary of said board of education shall receive five dollars per day for his services for the actual time that the board may be in session. Said compensation of the members of said board, and of said secretary shall be paid out of the same fund as the salary of the superintendent of schools is paid. Claims for such services and mileage shall be pre-

sented to the board of supervisors, and shall be allowed at the rate above named, in the same manner as other claims against the county are allowed. The compensation of the members of the county board of education herein provided is not in addition to that provided in section one thousand seven hundred and seventy of the Political Code.

16. Each supervisor, nine hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat; *provided*, that when a supervisor is also road commissioner, he shall receive, in addition to the twenty cents per mile allowed to him by law as such road commissioner his actual traveling expenses, the total mileage and expenses not in any one year to exceed the sum of three hundred dollars. [Amendment approved March 20, 1905; Stats. 1905, p. 358. In effect on the first Monday after January 1st, 1907.]

Section 190. In counties of the thirty-third (33) class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars (\$1500) per annum.
2. The sheriff, three thousand five hundred dollars (\$3500) per annum, and a jailer at fifty dollars (\$50) per month, to be paid out of the county treasury; *provided*, the sheriff shall also receive for his own use and benefit his necessary expenses in all criminal cases, to be allowed as other county charges are allowed by law; *and, provided further*, that the sheriff shall also receive for his own use and benefit, the mileage, fees and commissions for all services of all papers whatsoever issued by any court of the state outside of his own county.
3. The recorder, one thousand five hundred dollars (\$1500.) per annum.
4. The auditor, one thousand dollars (\$1000) per annum.
5. The treasurer, one thousand five hundred dollars (\$1500) per annum.
6. The tax collector, twelve hundred dollars (\$1200) per annum and ten per cent of all licenses collected by him; and a deputy, at four dollars (\$4) per day for not more than one hundred (100) days in any one year, to be paid out of the county treasury.
7. The assessor, two thousand five hundred dollars (\$2500)

per annum and two deputies at a salary of five dollars (\$5) each per day for not more than one hundred (100) days in any one year, and two deputies additional, at a salary of five dollars (\$5) each per day for not more than fifty (50) days in any one year; such deputies to be paid out of the county treasury.

8. The district attorney, two thousand dollars (\$2000) per annum and necessary traveling expenses to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, fifteen hundred dollars (\$1500) per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs one surveyor or civil engineer.

13. In counties of this class, the township officers shall receive the following compensations, to wit: In townships having a population of over four thousand (4000), justices of the peace shall receive a monthly salary of sixty (\$60.) dollars per month, and constables a monthly salary of sixty-five dollars (\$65) per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than twenty-seven hundred (2700), and not exceeding four thousand (4000), justices of the peace shall receive a monthly salary of thirty dollars (\$30) per month, and constables a monthly salary of forty dollars per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of more than two thousand (2000) and less than twenty-seven hundred (2700), justices of the peace shall receive a monthly salary of twenty-five dollars (\$25) per month and constables a

monthly salary of thirty-five dollars (\$35) per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases.

In townships having a population of less than two thousand (2000), justices of the peace shall receive a monthly salary of twenty dollars (\$20) per month and constables a monthly salary of twenty-five dollars (\$25) per month. The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases, but said justices of the peace and constables may retain for their own use the fees allowed by law in civil cases; *provided*, that where a constable shall be required to travel outside of his own township, in serving or executing a warrant of arrest or any other paper in a criminal case, he shall be allowed, in addition to the salary hereinbefore provided, his actual expenses incurred in serving or executing the same, to be allowed by the board of supervisors; for transporting prisoners to the county jail, the actual expenses of such transportation; *and provided further*, that for the purpose of this act, the population of the several townships shall be ascertained by multiplying the number of registered voters at the last general election of each township, by five. In addition to the above salaries allowed said justices of the peace and constables for their services in criminal cases, they may retain for their own use the fees allowed by law in civil cases.

14. Each supervisor, six hundred dollars (\$600) per annum and twenty (20) cents per mile traveling to county seat, which shall be in full compensation for all services, both as supervisor and road commissioner; *provided*, that in case the said supervisors shall not serve as road commissioners, the salary for supervisor shall be four hundred dollars (\$400) per annum.

15. For attending as a grand juror, or a trial juror in criminal cases only, in the superior court, for each day's attendance, three (3) dollars; for each mile actually traveled one way as such grand juror, or trial juror in criminal cases, in the superior court, under summons or order of the court, twenty-five cents. The county clerk shall certify to the auditor the number of day's attendance, and the number of

miles traveled by each juror and the auditor shall then draw his warrant therefor and the treasurer shall pay the same.

16. This act shall take effect and be in force from and after its passage and so far as it relates to the fees and mileage of jurors and traveling expenses of constables, shall take effect immediately, but shall not affect the compensation of other officers during the present term of office. [Amendment approved March 20, 1905. Stats. 1905, p. 376.]

Section 191. In counties of the thirty-fourth class the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand four hundred dollars per annum, and during each year in which a general election is held throughout the state he shall in addition to said salary receive each month for the months of August, September, October and November, one hundred dollars, and the same shall be so paid from the same fund as other salaries are paid.

2. The sheriff, four thousand dollars per annum, and the fees, mileage and commissions for the services of all papers issued by any court of the state outside of this county. Also his actual traveling expenses in the execution of a warrant outside of his county issued by a magistrate or court of his county.

3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.

4. The auditor, one thousand dollars per annum.

5. The treasurer, one thousand four hundred dollars per annum.

6. The tax collector, one thousand two hundred dollars per annum, and ten per cent of all licenses collected by him.

7. The assessor, twenty-six hundred dollars per annum;

provided, that in counties of this class there shall be one deputy assessor, who shall be appointed by the assessor of said county and who shall hold office from 12 o'clock meridian of the first Monday of March of each year up to 12 o'clock meridian of the first Monday in July of each year. The salary of said deputy assessor herein provided for is hereby fixed at the sum of one hundred dollars per month during which months he shall hold office as herein provided, which said salary shall be paid by said county at the same time and in the same manner and out of the same fund as is the salary of the assessor.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, six hundred dollars per annum.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand dollars per annum, and actual traveling expenses while visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law; *provided*, he shall be given all work for the county in which the county employs a surveyor or civil engineer; *and provided further*, that it shall be the duty of the board of supervisors of counties of this class to so employ him.

13. Supervisors, each the sum of six hundred dollars per annum for all services performed by them, as supervisors, and members of the board of equalization and road commissioners; *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route, in going from his residence to the county seat and returning, once during each month.

14. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of 1900; townships having a population of two thousand four hundred and not over four thousand shall be classified as townships of the first class, and townships having a population of less than two thousand four hundred shall belong to and be known as townships of the second class.

15. In townships of the first class, justices of the peace shall receive forty dollars a month to be paid each month out of the same fund and at the same time as the county

officers are paid, and which sum shall be in full compensation for all services rendered by them in criminal cases. In townships of the second class, justices of the peace shall receive thirty dollars per month to be paid each month out of the same fund and at the same time as the county officers are paid and which sum shall be in full compensation for all services rendered by them in criminal cases.

16. Constables in counties of this class shall receive the following monthly salaries to be paid each month out of the same fund and at the same time as the county officers are paid, which sum shall be in full compensation for all services rendered by them in criminal cases, the same to include all costs of transportation of all prisoners within the county, to wit: Constables in townships of the first class shall receive a monthly salary of sixty dollars per month, and constables of townships of the second class shall receive a monthly salary of forty dollars per month. *Provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest or any other paper in a criminal case he shall be allowed mileage both going and coming, outside of his own county, at the rate of ten cents per mile, but shall not be allowed any sum for any other expenses.

17. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, such fees as are now or may be hereafter provided by law; said compensation for per diem and transcription in criminal cases to be audited and allowed upon a written order of the court, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct.

Jurors and witness fees, in criminal cases, shall be as follows:

18. For attending as a grand juror or a trial juror in the superior court, in criminal cases only, for each day's attendance, per day, three dollars, for each mile actually traveled in attending court as such juror under summons or under order of court, in criminal cases, in going only, per mile, twenty-five cents and the county clerk shall certify to the auditor the number of days attendance and number of miles traveled by each juror, and the auditor

shall then draw his warrant therefor and the treasurer shall pay the same.

Witness fees shall be as follows:

19. For each day's actual attendance, when legally required to attend upon the superior court, per day, one dollar and fifty cents in criminal cases. Mileage actually traveled, one way only, per mile, ten cents; *provided, however*, that such per diem and mileage shall only be allowed on a showing to the court, by the witness, that he is in indigent circumstances and is unable to bear the expense incident to attending court, while required so to do, and that such per diem and mileage are necessary for the expenses of the witness in attending; and the court shall determine the necessity of the same, and shall then make an order directing the auditor to draw his warrant on the county treasurer for the amount allowed, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed.

This act shall take effect and be in force from and after its passage and so far as the same relates to the salary of the justices of the peace and constables and the compensation of the official reporter of the superior court, it shall affect and apply to present incumbents. [Amendment approved March 20, 1905. Stats. 1905, p. 335.]

Section 193. In counties of the thirty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, twenty-two hundred dollars per annum.
2. The sheriff, forty-five hundred dollars per annum.
3. The recorder, three thousand dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, one thousand eight hundred dollars per annum.
6. The tax collector, one thousand dollars per annum, and 5 per cent on all licenses collected by him as license collector.
7. The assessor, two thousand five hundred dollars per annum.
8. The district attorney, one thousand eight hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, one thousand five hundred dollars per annum, which shall be in full for all services required of him by the superior court or the board of supervisors; *provided*, that he shall be entitled to receive from the county his actual expenses incurred in the performance of any order of the court or the board of supervisors; *provided further*, that whenever the surveyor is directed by the board of supervisors to plat, trace or otherwise prepare maps, plats or block books for the use of the county assessor, he shall be allowed only the actual cost of preparing the same.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, seven hundred and fifty dollars per annum, which shall be in full for all services as supervisor and road commissioner for each year. Said salary of seven hundred and fifty dollars shall be payable monthly. [Amendment approved March 20, 1905; Stats. 1905, p. 365. In effect in sixty days.]

Section 194. In counties of the thirty-seventh class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The county clerk, twenty-five hundred dollars per annum.

2. The sheriff, four thousand dollars per annum, and one jailer at a salary of nine hundred dollars per annum.

3. The recorder, eighteen hundred dollars per annum.

4. The auditor, fifteen hundred dollars per annum.

5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, two thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, fifteen hundred dollars per annum.

8. The district attorney, eighteen hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be provided by law.

10. The public administrator, such fees as are now or may hereafter be provided by law.

11. The superintendent of schools, fifteen hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be provided by law.

13. Each supervisor shall receive for compensation five dollars per day for all services performed as supervisor and member of the board of equalization, not to exceed the sum of four hundred dollars per annum; also, three dollars per day for each day actually engaged in performing the duties of road commissioner, not to exceed three hundred dollars per annum. The supervisors of counties of this class shall be elected from their respective supervisorial districts at the next general election as follows, to wit: The term of office of the supervisors elected from the first and third supervisorial districts shall expire in two years from such general election and the term of office of the supervisors elected from the second, fourth, and fifth supervisorial districts shall terminate in four years from such general election.

14. In counties of this class, the township officers shall receive the following compensation, to wit: In townships having a population of four thousand, justices of the peace shall receive a monthly salary of seventy-five dollars; and constables a monthly salary of seventy-five dollars. The above-named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; they may also retain for their own use all other fees, except those in criminal cases, as are now or may hereafter be provided by law. In townships having a population of less than four thousand, each justice of the peace and each constable shall receive as compensation for his services such fees as are now, or may hereafter be, provided by law. [Amendment approved March 20, 1905; Stats. 1905, p. 308. In effect in sixty days.]

Section 195. In counties of the thirty-eighth (38) class (Stanislaus) the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to-wit:

1. The county clerk, two thousand seven hundred dollars per annum; *and provided* that in each year when a new registration is required he shall receive in addition to his salary the sum of ten (10) cents for each elector registered, which amount shall be allowed by the board of supervisors

at the close of registration preceding a general election, and paid from the general fund of the county.

2. The sheriff, five thousand dollars per annum, and fees, commissions, and mileage for the service of papers or process coming from courts other than those of his own county.

3. The recorder, one thousand six hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall exceed two hundred and fifty dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of two hundred and fifty dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary, shall not exceed the sum of three thousand dollars in any one year.

4. The auditor, one thousand six hundred dollars per annum.

5. The treasurer, one thousand six hundred dollars per annum, and the fees and commissions now or hereafter allowed by law.

6. The tax collector, one thousand dollars per annum, and the fees and commissions now or hereafter allowed by law.

7. The assessor, two thousand eight hundred dollars per annum, and the fees and commissions now or hereafter allowed by law. The assessor shall also be allowed the following deputies, viz.: One deputy for each bona fide increase of one hundred real estate statements made for assessment purposes over and above two thousand five hundred of such statements, and not to exceed in all six deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period of not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand five hundred dollars per annum. He shall also be allowed his actual traveling expenses when visiting the schools of the county, which expense shall not exceed the sum of five hundred dol-

lars in any one year. He shall receive nothing for his services as a member of the board of education. The superintendent of schools shall be allowed one deputy, to be appointed by the principal, which said deputy shall be allowed a salary of fifty dollars per month, to be paid at the same time and in the same manner as other county officers.

12. The surveyor shall receive one thousand eight hundred dollars per annum, and in addition thereto, actual traveling and other necessary expenses incurred in connection with field work. He shall have one deputy at a salary of one thousand dollars per annum; said deputy to be appointed by the principal and be paid at the same time and in the same manner as other county officers. It shall be the duty of the surveyor among other things, to make and correct all necessary plats, maps, and block books for the assessor's office, and all necessary county and road maps, and all necessary plans and specifications for bridge work and county buildings; *provided, however*, that when in the judgment of the board of supervisors of the county, on the representations of the county surveyor, it is necessary to employ additional assistance for the performance of said work, the board of supervisors shall allow the necessary and actual expense therefor; *provided*, he shall receive nothing for preparing any map or plat necessary to accompany reports made by him on road work, nor for preparing and keeping up the necessary and proper records of his office. He shall at all times be subject to the orders of the board of supervisors.

13. For the purpose of regulating the compensation of justices of the peace and constables, townships of this class of counties are hereby classified according to their population as shown by the federal census of nineteen hundred: Townships having a population of two thousand eight hundred and more shall belong to and be known as townships of the first class; townships having a population of two thousand four hundred and less than two thousand eight hundred shall belong to and be known as townships of the second class; townships having a population of one thousand six hundred and less than two thousand four hundred shall belong to and be known as townships of the third class; townships having a population of eight hundred and less than one thousand six hundred shall belong to and be known as townships of the fourth class; townships having a population of six hundred and fifty and less than eight hundred shall belong to and be known as townships of the fifth class; townships

having a population of less than six hundred and fifty shall belong to and be known as townships of the sixth class; *providing*, that the board of supervisors of the county may, prior to any general election, consolidate two or more of such townships into one.

13½. Justices of the peace shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, fifty dollars; in townships of the third class, fifty dollars; in townships of the fourth class, forty dollars; in townships of the fifth and sixth class, twenty dollars. In addition to the monthly salaries herein allowed, each justice of the peace may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and justices of the first, second and third class shall be allowed their office rent, not to exceed the sum of five dollars each, for any one month. Each justice must pay into the county treasury, once a month, all fines collected by him.

14. Constables shall receive the following monthly salaries, to be paid each month as the county officers are paid, which shall be in full compensation for all services rendered by them in criminal cases, to wit: In townships of the first class, ninety dollars; in townships of the second class, eighty dollars; in townships of the third class, eighty dollars; in townships of the fourth class, fifty dollars; in townships of the fifth and sixth class, thirty dollars. In addition to the monthly salaries herein allowed, each constable may receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services rendered by him in civil actions; and shall also be allowed all necessary expenses actually incurred in arresting and conveying prisoners to court or to prison, which expense shall be audited and allowed by the board of supervisors and paid out of the county treasury; *provided further*, that when any constable is required to go out of his own county to serve a warrant of arrest, or any other paper in a criminal case, he shall be allowed mileage, both going and returning, outside of his own county, at the rate of ten cents per mile.

15. Supervisors, each, the sum of six hundred dollars per annum, and mileage at the rate of ten cents per mile for each mile traveled in going to and from the meeting of the board;

provided, that only one mileage at any one session of the board shall be allowed. They shall, from and after the passage of this act, act as road commissioners in their respective districts, and shall thereafter receive for their services as such road commissioners mileage at the rate of twenty cents per mile each, one way, for all distances actually traveled by them in the discharge of their duties as such road commissioners; *provided*, that such mileage as road commissioner shall not, in any one year, exceed the sum of three hundred dollars for any one of the commissioners.

16. Witnesses in criminal cases shall receive one dollar and fifty cents per day, and ten cents per mile for each mile actually traveled, one way only. The court shall make an order directing the auditor to draw his warrant on the county treasurer for the amount due, and the treasurer shall pay the same. The court may disallow any fee to a witness unnecessarily subpoenaed. [Amendment approved March 20, 1905; Stats. 1905, p. 366. In effect in sixty days.]

Section 196. In counties of the thirty-ninth class the county officers shall receive as compensation for services required of them by law, by virtue of their offices, the following salaries, to wit:

1. The county clerk, two thousand dollars per annum.
2. The sheriff, five thousand dollars per annum and fees, commissions and mileage for the service of papers or process coming from courts other than those of his own county.
3. The recorder, one thousand six hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist who shall be appointed by the recorder and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments at the time and in the same manner and out of the same fund as the salary of the recorder is paid; *and provided* that such recorder shall collect and pay into the county treasury for the use and benefit of the county the fees required to be paid by law so collected; *and provided* that when the amount of said fees collected shall exceed two hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his own salary, one half of all fees in excess of two hundred dollars in any month so collected. But the amount of fees thus received by the recorder for his own use, plus his salary shall not exceed the sum of two thousand dollars in one year.

4. The auditor, one thousand six hundred dollars per annum.

5. The treasurer, one thousand eight hundred dollars per annum.

6. The tax collector, one thousand five hundred dollars per annum.

7. The assessor, three thousand dollars per annum, and such fees as now or may hereafter be allowed by law. The assessor shall also be allowed the following deputies, viz.; one deputy for each bona fide increase of one hundred real estate statements made for assessment purposes over and above twenty-four hundred of such statements and not to exceed in all five deputies. Each of such deputies shall receive a monthly compensation of one hundred dollars for a period not to exceed two months in any one year, said compensation to be paid monthly in the same manner as county officers are paid. He shall prepare the military roll for which he shall receive five cents for each name thereon; that the assessor shall annually revise the plats in his office and prepare the military roll at his own cost and expense.

8. The district attorney, one thousand eight hundred dollars per annum.

9. The coroner, such fees as are now and may hereafter be allowed by law.

10. The public administrator, such fees as are now and may hereafter be allowed by law.

11. The superintendent of schools, one thousand four hundred dollars per annum, and shall also be allowed the compensation provided by law for services upon the board of education. He shall be allowed his actual traveling expenses when visiting schools of his county, which expense shall not exceed the sum of three hundred dollars in one year. *Provided*, in counties of this class there shall be and is hereby allowed to the superintendent of schools an assistant who shall be appointed by the superintendent of schools and paid a salary of fifty dollars per month, said salary to be paid by said county in monthly installments at the same time and in the same manner and out of the same fund as the salary of the superintendent of schools is paid.

12. The surveyor, such fees as are now or may be hereafter allowed by law. *Provided* the surveyor shall annually revise the plats in the office of the assessor for

which he shall receive a sum not to exceed two hundred dollars in any one year.

13. Justices of the peace shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz.: In townships having a population of more than three thousand five hundred, one hundred dollars per month; in townships having a population of less than three thousand five hundred and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, forty dollars per month. Justices of the peace in counties of this class shall also receive for their own use and benefit such fees as are now or may hereafter be allowed by law in civil cases. They shall also be allowed the actual rent for their offices, not to exceed ten dollars per month.

14. Constables shall receive the following salaries for all services rendered by them in criminal cases, payable monthly in the same manner as county officers are paid, viz.: In townships having a population of more than three thousand five hundred, one hundred dollars per month; in townships having a population of less than three thousand five hundred and more than two thousand, seventy-five dollars per month; in townships having a population of less than two thousand, forty dollars per month. Constables shall also receive for their own use and benefit such fees as are now or hereafter may be allowed by law in civil cases. They shall also be allowed their actual expenses in conveying prisoners from the place of arrest to the court, and in case of conviction, from court to the county jail.

15. Supervisors, each six hundred dollars per annum for all services performed by them as supervisors and members of the board of equalization and road commissioners, including mileage, *provided*, that each supervisor shall receive ten cents for each mile traveled by the ordinary route in going from his residence to the county seat and returning once during each meeting. Each supervisor shall be allowed his actual traveling expenses while supervising the roads of his district, not exceeding twenty dollars in any one month. [Amendment approved March 20, 1905; Stats. 1905, p. 338. In effect in sixty days.]

Section 197. In counties of the fortieth class, the county officers shall receive as compensation for the services re-

quired of them by law or by virtue of their offices, the following salaries and fees, to wit:

1. The county clerk, fifteen hundred dollars per annum.
 2. The sheriff, three thousand dollars per annum, and all mileage for the service of papers issued out of any court outside of his county.
 3. The recorder, twenty-one hundred dollars per annum.
 4. The auditor, nine hundred dollars per annum.
 5. The treasurer, fifteen hundred dollars per annum.
 6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.
 7. The assessor, three thousand five hundred dollars per annum.
 8. The district attorney, fifteen hundred dollars per annum.
 9. The coroner, such fees as are now, or may be hereafter allowed by law.
 10. The public administrator, such fees as are now, or may be hereafter allowed by law.
 11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.
 12. The surveyor, such fees as are now, or may be hereafter allowed by law.
 13. Each justice of the peace, the following fees: In civil actions before him, for all services required to be performed by him before trial, two dollars.
- For a trial, and all proceedings subsequent thereto, including all affidavits, swearing witnesses and jury, and the entry of judgment, four dollars.
- In all cases where judgment is rendered by default or confession, for all services from the filing of the complaint to and including the entry of judgment, three dollars.
- For issuing a writ of attachment, to include all affidavits, taking and approving bond, and all oaths and certificates necessary thereto, three dollars.
- For all services and proceedings in a criminal action or proceeding whether on examination or trial, three dollars; *provided*, that if the defendant plead guilty, only two dollars shall be allowed.
- For taking bail, after commitment by another magistrate, only fifty cents.
- For making transcript of docket, making up and trans-

mitting papers on appeal, including the certificate to the same, two dollars.

For copies of docket or papers in his office, per folio twenty cents.

For issuing a search warrant, to be paid by the party demanding the same, one dollar.

For celebrating a marriage, and returning the certificate to the recorder, three dollars.

For docketing a judgment or any instrument, for the first name fifty cents; for each additional name twenty-five cents.

For taking depositions, per folio, twenty cents.

For administering an oath, twenty-five cents, and certificate to same, twenty-five cents; for each certificate twenty-five cents.

For issuing a commission to take testimony, seventy-five cents.

For all services connected with the posting of estrays, including the transcript for the recorder, three dollars.

For issuing an execution and entering satisfaction of the judgment, fifty cents.

In all cases before justices of the peace where the venue shall be changed, the justice before whom the action shall be brought, for all services rendered, including the making up and transmission of the manuscript and papers, shall receive three dollars; and the justice before whom the trial shall take place, shall receive the same fees as if the action had been commenced before him.

14. Each constable shall receive the following fees: For serving all summons in civil cases, for each defendant, including the copy required by law, one dollar.

For summoning a jury of twelve or less before a justice, one dollar and fifty cents; for each additional juror above twelve, twenty-five cents.

For taking any bond required by law to be taken, fifty cents.

For summoning each witness, twenty-five cents.

For serving an attachment or levying an execution on the property of a defendant, one dollar and fifty cents.

For summoning and swearing a jury to try the rights of property, and making a verdict, two dollars.

For receiving and taking care of property on execution, order or attachment, his actual necessary expenses, to be allowed by the justice who issued the order, attachment

or execution upon the affidavit of the constable that the charges are correct and that the expenses were necessarily incurred.

For collecting all sums on execution, three per cent, to be charged against the defendant named in the execution.

For serving a warrant or order for the delivery of personal property, or making an arrest in a civil case, one dollar and fifty cents.

For making each arrest in criminal cases, two dollars.

For every mile necessarily traveled, in going only, to serve any civil or criminal process or paper, or to take a prisoner before a magistrate or to prison, twenty-five cents; but when two or more persons are served or summoned in the same suit and at the same time, mileage shall be charged only for the most distant, if they live in the same direction.

For sales of estrays, the same fees as for sales on execution.

For the transportation of prisoners to the county jail the actual necessary expenses.

For attending a justice's court and taking charge of a jury and prisoner when required two dollars for each day of actual attendance upon the court.

For all other services the same fees as are allowed sheriffs for like services.

15. Each member of the board of supervisors four hundred dollars per annum and twenty cents per mile for traveling from his residence to the county seat, also his actual necessary expenses while acting as ex-officio road overseer or commissioner not to exceed three hundred dollars in any one year. [Amendment approved March 20, 1905; Stats. 1905, p. 544. In effect January 1, 1907.]

Section 198. In counties of the forty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, three thousand dollars per annum.
2. The sheriff, four thousand dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The recorder, one thousand five hundred dollars per annum.
4. The auditor, one thousand dollars per annum.
5. The treasurer, one thousand five hundred dollars per annum.

6. The tax collector, one thousand dollars per annum, which shall be in full for all services as tax collector and as license collector.

7. The assessor, two thousand five hundred dollars per annum.

8. The district attorney, two thousand dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, one thousand two hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. In counties of this class the township officers shall receive the following compensation, to wit:

In townships having a population of three thousand or more, justices of the peace and constables shall each receive a monthly salary of sixty dollars per month.

In townships having a population of fifteen hundred and less than three thousand, the justices of the peace and constables shall each receive a monthly salary of forty-five dollars per month.

In townships having a population of eight hundred and less than fifteen hundred, the justices of the peace and constables shall each receive a monthly salary of thirty-five dollars per month.

In townships having a population of five hundred and less than eight hundred, the justices of the peace and constables shall each receive a monthly salary of fifteen dollars per month.

In townships having a population of less than five hundred, the justices of the peace and constables shall each receive a monthly salary of five dollars per month.

The above named salaries shall be in full compensation for all services of said justices of the peace and constables in criminal cases; *provided*, that, in addition to the salary herein allowed, each constable shall be paid out of the treasury of the county for traveling expenses outside of his township, for service of a warrant of arrest or any other paper in a criminal case, such fees as they are now or may be hereafter allowed by law, for transporting prisoners to the county jail, the actual expenses of such trans-

portation; and, *provided further*, that for the purpose of this act, the population of the several townships, shall be ascertained by multiplying the number of registered voters at the last general election by five. But said justices of the peace and constables may retain for their own use, the fees allowed by law in civil cases.

14. Each member of the board of supervisors, five hundred dollars per annum, and his necessary expenses when attending to the business of the county other than the meetings of the board, and twenty cents per mile in going from his residence to the county seat at each meeting of the board; and when serving as road commissioner, three dollars per day, and twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as such commissioner.

Subdivision thirteen of this section shall take effect immediately. [Amendment approved March 20, 1905; Stats. 1905, p. 441. In effect in part immediately, and in part in sixty days.]

Section 200. In counties of the forty-third class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand eight hundred dollars per annum.

2. The sheriff, three thousand five hundred dollars per annum. The sheriff shall also receive for his own use and benefit all fees, commissions and mileage, in all civil cases within his county, and all fees, commissions and mileage for service of any papers issued by any court outside of his county.

3. The recorder, twelve hundred dollars per annum.

4. The auditor, six hundred dollars per annum.

5. The treasurer, one thousand two hundred dollars per annum.

6. The tax collector, seven hundred dollars per annum.

7. The assessor, twenty-four hundred dollars per annum.

8. The district attorney, one thousand five hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as now or may hereafter be allowed by law.

11. The superintendent of schools, one thousand six hundred dollars per annum.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace shall receive the following monthly salaries, to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, seventy dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, twenty dollars per month; in townships having a population of less than one thousand and more than six hundred, fifteen dollars per month; in townships having a population of less than six hundred, ten dollars per month. In addition to the compensation received in criminal cases, each justice of the peace shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

14. Constables shall receive the following monthly salaries to be paid each month, and in the same manner and out of the same fund as county officers are paid, which shall be in full for all services rendered by them in criminal cases: In townships having a population of more than twenty-five hundred, thirty-five dollars per month; in townships having a population of less than twenty-five hundred and more than one thousand, fifteen dollars per month; in townships having a population of less than one thousand, ten dollars per month; *provided*, that each constable shall receive his actual and necessary expenses incurred in conveying prisoners to the county jail. In addition to the compensation received in criminal cases, each constable shall receive and retain for his own use such fees as are now or may hereafter be allowed by law for all services performed by him in civil actions.

15. Each supervisor, six hundred dollars per annum, and twenty cents per mile for traveling from his residence to the county seat.

16. Each member of the county board of education, including the secretary, shall receive one hundred and fifty dollars per annum as compensation for his services on the board of education, and mileage at the rate of twenty cents per mile, one way, from his residence to the place of

meeting of said board. Said compensation of said members and of said secretary shall be paid monthly in the same manner and out of the same fund as the salaries of other county officers are paid. Claims for such mileage shall be presented to and allowed by the board of supervisors before payment. The compensation of the members of the county board of education herein provided is not in addition to that provided in section seventeen hundred and seventy of the Political Code.

17. For the purposes of subdivisions thirteen and fourteen of this section, the population of the several judicial townships shall be ascertained by the board of supervisors, by multiplying by five the vote for presidential electors cast in each township at the next preceding election. [Amendment approved March 20, 1905; Stats. 1905, p. 363. In effect in sixty days.]

Section 201. In counties of the forty-fourth class, the county officers shall receive, as compensation for the services required by them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, eighteen hundred dollars per annum.
2. The sheriff, forty-two hundred dollars per annum, and such mileage as is allowed by law, and the fees, mileage, or commissions for the service of all papers whatever issued by any court outside of his county, and all mileage for the service of papers in civil cases in his own county, and the actual expenses incurred in criminal cases, and fifteen cents for each meal for feeding prisoners confined in the county jail.
3. The recorder, one thousand five hundred dollars per annum; *provided*, that such recorder shall collect and pay into the county treasury, for the use and benefit of the county, the fees required by law to be so collected; *and provided*, that when the amount of said fees collected shall amount to more than one hundred and twenty-five dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, all fees in excess of one hundred and twenty-five dollars, and not exceeding one hundred and seventy-five dollars, in any month so collected; so that the amount of fees thus received by the recorder for his own use, plus the salary, shall not exceed the sum of one hundred and seventy-five dollars in any one month.
4. The auditor, fifteen hundred dollars per annum.
5. The treasurer, fifteen hundred dollars per annum.

6. The tax collector, twelve hundred dollars, per annum.
7. The assessor, twenty-five hundred dollars per annum.
8. The district attorney, eighteen hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, ten hundred dollars per annum.
12. The surveyor, ten dollars per day when engaged in county work. He shall also receive his actual expenses when at work in the field.
13. Justices of the peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Each member of the board of supervisors, six hundred dollars per annum, and twenty-five cents per mile while traveling from their respective residence to the county seat, not more than once each month.
16. In counties of this class the official reporter of the superior court shall receive such fees as are now and may hereafter be allowed by law.
17. In counties of this class the board of supervisors may appoint a horticultural commissioner, who shall have expert knowledge of the duties pertaining to the position, who shall serve at the pleasure of the board, and who shall be paid a salary of not to exceed seventy-five dollars per month. [Amendment approved March 20, 1905; Stats. 1905, p. 356. In effect in sixty days.]

Section 203. In counties of the forty-sixth class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, fifteen hundred dollars per annum.
2. The sheriff, thirty-five hundred dollars per annum, and actual traveling expenses incurred in the pursuit or arrest of criminals, either in or out of his county.
3. The recorder, one thousand dollars per annum.
4. The auditor, five hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, five hundred dollars per annum,

which shall be in full for all services as tax collector and as license collector.

7. The assessor, eighteen hundred dollars per annum.

8. The district attorney, fifteen hundred dollars per annum.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, twelve hundred dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, the fees which are now or hereafter may be allowed by law; *provided*, that where the trial of any case shall occupy more than one day, and not less than three hours of such day, the justice shall also be allowed three dollars for each additional day consumed in such trial.

14. Constables, the fees which now are or hereafter may be allowed by law; *provided*, that the constable shall also be allowed at the rate of two dollars and fifty cents per day for each day of actual attendance on the trial of cases in the justice's court, where such attendance is pursuant to the order of the justice thereof.

15. Each member of the board of supervisors, five dollars per day when the board is in session, and twenty cents per mile for traveling from his residence to the county seat; and when serving as road commissioner three dollars per day and mileage at the rate of twenty cents per mile one way for all actual distances traveled by him in the performance of his duties as such road commissioner. But he shall not in any one year receive more than three hundred and fifty dollars as supervisor or more than two hundred and fifty dollars as road commissioner, exclusive of mileage. When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. [Amendment approved March 20, 1905; Stats. 1905, p. 552. In effect in sixty days.]

Section 205. *Counties of the 48th Class.* The county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum.
2. The sheriff, twenty-five hundred dollars per annum.
3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the recorder is paid. This section shall take effect immediately in so far as it relates to the salary of said copyist.
4. The auditor, six hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum, and ten per cent on all licenses collected by him as license collector.
7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid. This section shall take effect immediately in so far as it relates to the salary of said deputy.
8. The district attorney, one thousand two hundred dollars per annum.
9. The coroner, such fees as are now or may hereafter be allowed by law.
10. The public administrator, such fees as are now or may hereafter be allowed by law.
11. The superintendent of schools, fifteen hundred dollars per annum, and actual traveling expenses when visiting the schools of this county.
12. The surveyor, such fees as are now or may hereafter be allowed by law.
13. Justices of the peace, such fees as are now or may hereafter be allowed by law.
14. Constables, such fees as are now or may hereafter be allowed by law.
15. Each supervisor, six dollars per day when the board is in a session, not to exceed three hundred dollars per year,

exclusive of mileage, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board; and his necessary expenses while supervising the roads of his district, or attending to the business of the county, other than the meetings of the board, not to exceed the sum of four hundred and sixty dollars per annum. This section shall take effect immediately in so far as it relates to the necessary expenses of supervisors while supervising their roads, or while engaged in attending to the business of the county other than the meetings of the board.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and at coroner's inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after the conclusion of trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases, to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat. [Amendment approved March 20, 1905; Stats. 1905, p. 333. In effect in part immediately and in part in sixty days.]

Section 206. In counties of the forty-ninth class, the county officers shall receive as compensation for their services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The county clerk, twelve hundred dollars per annum, except in the years where a general election is held, and in such years he shall receive fifteen hundred dollars per annum.

2. The sheriff, thirty-eight hundred dollars per annum.

3. The recorder, twelve hundred dollars per annum, *provided* that such recorder shall collect and pay into the county treasury for the use and benefit of the county, the fees required by law to be so collected; and, *provided*, that when

the amount of said fees collected shall exceed one hundred dollars in any month, the recorder may receive and retain for his own use, in addition to his salary, one half of all fees in excess of one hundred dollars in any month, so collected; *and, provided*, that the recorder may retain for his own use, all fees collected for filing or recording proofs of labor or notices of location of mining claims.

4. The auditor six hundred dollars per annum.

5. The treasurer twelve hundred dollars per annum.

6. The tax collector one thousand dollars per annum and ten per cent on all licenses collected by him.

7. The assessor one thousand six hundred and fifty dollars per annum.

8. The district attorney one thousand four hundred dollars per annum.

9. The coroner such fees as are now or may be hereafter allowed by law.

10. The public administrator such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred dollars per annum and actual traveling expenses while visiting the schools of the county.

12. The surveyor such fees as are now or may be hereafter allowed by law.

13. Justices of the peace such fees as are now or may be hereafter allowed by law.

14. Constables such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors five dollars per day for each day's actual service while the board is in session and ten cents per mile for each mile necessarily traveled to and from the place of meeting; also three dollars per day for each day's service while serving as road commissioner. Such compensation, as road commissioner, not to exceed three hundred dollars per annum.

16. Grand jurors and jurors in the superior court in criminal cases shall be paid three dollars per day for each day's attendance and for each mile actually traveled in going only, while acting as such juror, fifteen cents; and the judge of said court shall make an order directing the auditor to draw his warrant on the treasurer in favor of such juror for said per diem and mileage, and the treasurer shall pay the same.

The provisions of section two hundred and six of this act,

so far as the same relates to fees of jurors, shall take effect on August 1, 1901.

This act shall take effect and be in force from and after its passage. [Amendment approved March 20, 1905; Stats. 1905, p. 373. In effect partly at once, and in part August 1, 1901.]

Section 207. In counties of the fiftieth class, the county officers shall receive as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, two thousand dollars per annum, except in the years when a general election is held, and in such years, he shall receive two thousand three hundred dollars per annum.

2. The sheriff four thousand dollars per annum.

3. The recorder one thousand eight hundred dollars per annum.

4. The auditor four hundred dollars per annum.

5. The treasurer one thousand six hundred dollars per annum.

6. The tax collector seven hundred fifty dollars per annum.

7. The assessor one thousand eight hundred dollars per annum.

8. The district attorney one thousand five hundred dollars per annum.

9. The coroner such fees as are now or may hereafter be allowed by law.

10. The public administrator such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools eight hundred dollars per annum, and actual traveling expenses when visiting the schools of the county.

12. The surveyor such fees as are now or may hereafter be allowed by law.

13. Justices of the peace such fees as are now or may hereafter be allowed by law.

14. Constables such fees as are now or may hereafter be allowed by law.

15. Each supervisor eight dollars per day while the board is in session, and mileage from residence to the county seat at each sitting of the board of 20 cents per mile; also twenty cents per mile for each mile actually and necessarily traveled in discharging the duties of road commissioner, but he

shall not in any one year receive more than three hundred dollars for per diem as supervisor, and he shall not in any one year receive more than three hundred dollars as road commissioner.

16. The license collector ten per cent of all licenses collected by him.

This act so far as it relates to counties of this class, shall not affect the compensation of officers during the present [term] of office, except as herein otherwise specially provided. [Amendment approved March 20, 1905; Stats. 1905, p. 325. In effect in sixty days.]

Section 208. In counties of the fifty-first class the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand five hundred dollars per annum.

2. The sheriff, three thousand dollars per annum.

3. The recorder, one thousand dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the recorder a copyist, who shall be appointed by the recorder, and paid the salary of fifty dollars per month; said salary to be paid by said county in monthly installments, at the time and in the same manner, and out of the same fund as the salary of the recorder is paid. This section shall take effect immediately in so far as it relates to the salary of said copyist.

4. The auditor, five hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, five hundred dollars per annum, and ten per cent on all licenses collected by him as license collector.

7. The assessor, one thousand five hundred dollars per annum; *provided*, that in counties of this class there shall be and is hereby allowed to the assessor one deputy, to be appointed by him, who shall receive the salary of seventy-five dollars per month for not exceeding four months in any calendar year, said salary to be paid by said county in monthly installments, at the same time and in the same manner, and out of the same fund as the salary of the assessor is paid. This section shall take effect immediately in so far as it relates to the salary of said deputy.

8. The district attorney, one thousand two hundred dollars per annum.

9. The coroner, such fees as are now or may hereafter be allowed by law.

10. The public administrator, such fees as are now or may hereafter be allowed by law.

11. The superintendent of schools, fifteen hundred dollars (\$1500) per annum, and actual traveling expenses when visiting the schools of this county.

12. The surveyor, such fees as are now or may hereafter be allowed by law.

13. Justices of the peace, such fees as are now or may hereafter be allowed by law.

14. Constables, such fees as are now or may hereafter be allowed by law.

15. Each supervisor, six dollars per day when the board is in a session, not to exceed three hundred dollars per year, exclusive of mileage, and twenty-five cents per mile for traveling one way only from his residence to the county seat at each sitting of the board; and his necessary expenses while supervising the roads of his district, or attending to the business of the county, other than the meetings of the board, not to exceed the sum of four hundred and sixty dollars per annum. This section shall take effect immediately in so far as it relates to the necessary expenses of supervisors while supervising their roads, or while engaged in attending to the business of the county other than the meetings of the board.

16. In counties of this class, the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, and at coroners inquests, a per diem of ten dollars, and for transcription of said notes when required during the progress of a trial, he shall receive the sum of twenty-five cents per folio for the original and five cents per folio for one copy; but if such transcription is not required until after conclusion of trial, then he shall receive the sum of ten cents per folio for original, and five cents per folio for copies required; said compensation for transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury; and in civil cases to be paid by the party ordering the same, or when ordered by the judge, by either party, or jointly by both parties, as the court may direct. He shall also be allowed his actual traveling expenses when reporting outside the county seat. [Amendment approved March 20, 1905;

Stats. 1905, p. 320. In effect in part immediately and in part, in sixty days.]

Section 210. In counties of the fifty-third class the county officers shall receive, as compensation for the services required of them by law or by virtue of their offices, the following salaries, to wit:

1. The county clerk, sixteen hundred dollars per annum.
2. The sheriff five thousand per annum and mileage for service of any and all processes required by law to be served by him, at the rate of ten cents per mile for every mile necessarily traveled in the performance of such duty, and for service of all processes issued from all courts outside of his county.
3. The recorder, eight hundred dollars per annum.
4. The auditor, two hundred dollars per annum.
5. The treasurer, one thousand dollars per annum.
6. The tax collector, one thousand dollars per annum.
7. The assessor, fifteen hundred dollars per annum.
8. The district attorney, nine hundred dollars per annum.
9. The coroner, such fees as are now or may be hereafter allowed by law.
10. The public administrator, such fees as are now or may be hereafter allowed by law.
11. The superintendent of schools, four hundred dollars per annum.
12. The surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the peace shall receive the following monthly salaries, to be paid each month as salaries of county officers are paid, which shall be in full compensation for all services rendered, as hereinafter provided. In townships having a population of three thousand or more, eighty-five dollars per month, which said salary shall be in full compensation for all services rendered by said justices of the peace in both civil and criminal cases, and all such fees as are allowed by law in civil cases shall be paid by said justices of the peace into the county treasury, as the fees of county officers are paid in. In townships having a population of not less than two thousand and under three thousand, thirty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law.

In townships having a population of not less than one thousand and under two thousand, twenty dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary, each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are now or may be hereafter allowed by law. In townships having a population of less than one thousand, fifteen dollars per month, which shall be in full compensation for all services rendered in criminal cases. In addition to the above salary each justice of the peace shall collect and retain for his own use and benefit in civil cases, such fees as are or may be hereafter allowed by law. The board of supervisors shall determine the population of each township for the purpose of fixing the salary of the township officers, aforesaid.

14. Constable, such fees as are now or may be hereafter allowed by law.

15. Each member of the board of supervisors, six dollars per day when board is in session; thirty cents per mile, one way. Three dollars per day when actually serving as road commissioner, not to exceed three hundred dollars.

16. In counties of this class the official reporter of the superior court shall receive, as full compensation for taking notes in civil and criminal cases tried in said court, and for preliminary examinations in justices' courts, a salary of ten dollars per diem during employment, payable out of the county treasury, at the same time and in the same manner as the salaries of county officers, and for transcription of said notes, when required, he shall receive the sum of ten cents per folio for the original and five cents per folio for a copy; said compensation by transcription in criminal cases to be audited and allowed by the board of supervisors as other claims against the county, and paid out of the county treasury, and in civil cases to be paid by the party ordering the same, or, when ordered by the judge, by either party, or jointly by both parties, as the court may direct. [Amendment approved March 20, 1905; Stats. 1905, p. 459. In effect in sixty days.]

Section 211. In counties of the fifty-fourth class, the county officers shall receive, as compensation for the services required of them by law or by virtue of their office, the following salaries, to wit:

1. The county clerk, one thousand three hundred dollars per annum; *provided*, that in years when a great register

is ordered the county clerk shall receive in addition to his regular salary the sum of four hundred dollars for such services.

2. The sheriff, two thousand five hundred dollars per annum, and twenty-five cents mileage, in going only.

3. The recorder, four hundred dollars per annum; *provided*, that the recorder may retain to his own use all fees paid him for recording notices of location of mining claims and affidavits of annual expenditures upon mining claims, made under the laws of congress; *and further provided*, that all acts of the recorder of counties of this class in retaining to his own use any fees for recording notices of location of mining claims and affidavits of annual expenditures upon mining claims, made under the laws of congress, whether done as mining recorder or as recorder, are hereby validated and declared legal, and that such recorder may continue to retain to his own use such fees, and this act in so far as it relates to the matter enumerated in the last preceding division thereof shall take effect immediately upon its passage.

4. The auditor, three hundred dollars per annum.

5. The treasurer, one thousand dollars per annum.

6. The tax collector, three hundred and fifty dollars per annum.

7. The assessor, one thousand six hundred dollars per annum.

8. The district attorney, one thousand dollars per annum, and his necessary traveling expenses, to be allowed by the board of supervisors.

9. The coroner, such fees as are now or may be hereafter allowed by law.

10. The public administrator, such fees as are now or may be hereafter allowed by law.

11. The superintendent of schools, six hundred and twenty-five dollars per annum, and actual traveling expenses when visiting the schools of his county.

12. The surveyor, such fees as are now or may be hereafter allowed by law.

13. Justices of the peace, such fees as are now or may be hereafter allowed by law.

14. Constables, such fees as are now or may be hereafter allowed by law.

15. Each supervisor, three hundred and fifty dollars per

annum, and twenty cents per mile for traveling to and from his residence to the county seat at each session.

When traveling by order of the board upon county business, each supervisor shall be allowed his actual itemized expenses. For all services as road commissioner, each supervisor shall receive three dollars per day, but he shall not in any one year receive more than five hundred dollars as supervisor.

16. The license collector, such compensation as the board of supervisors shall fix. [Amendment approved March 20, 1905; Stats. 1905, p. 523. In effect in part immediately and in part in sixty days.]

Section 215. The salaries and fees provided in this act shall be in full compensation for all services of every kind and description rendered by the officers herein named either as officers or ex-officio officers, their deputies and assistants, unless in this act otherwise provided, and all deputies employed shall be paid by their principals out of the salaries hereinbefore provided, unless in this act otherwise provided; *provided*, and except that where an assistant district attorney has been heretofore appointed in any county, either under the provisions of subdivision thirty-six of section twenty-five, or under any other provisions of an act entitled "An act to establish a uniform system of county and township government," approved March twenty-fourth, eighteen hundred and ninety-three, and such assistant is continued by the provisions of this act, either as an assistant or deputy in such county, then such deputy or assistant shall be paid out of the funds of such county, as heretofore or herein provided; the assessor shall be entitled to receive and retain for his own use six per cent on personal property tax collected by him, as authorized by section thirty-eight hundred and twenty of the Political Code, and fifteen per cent of all amounts collected by him for poll taxes, and road poll taxes, and also five dollars per hundred names of persons returned by him as subject to military duty, as provided in section nineteen hundred and one of the Political Code, and the license collector shall be entitled to receive and retain for his own use ten per cent on all licenses collected by him, except where otherwise provided in this act; *provided, however*, that in counties and cities and counties of the first, second, and third class, the assessor shall receive no commission for the collection of taxes on personal property, nor shall such assessor receive

any compensation for making out military roll of persons returned by him as subject to military duty as provided by section nineteen hundred and one of the Political Code; nor shall the license collector in cities and counties of the first class and counties of the second class receive any commission on licenses collected by him except the commissions on state liquor licenses; *provided*, that the treasurer shall receive and retain for his own use the commissions on all inheritance and transfer taxes collected by him, *and provided further*, that whenever the treasurer of any county shall employ a special attorney for the collection of such taxes said attorney shall be paid out of the commissions and fees allowed by law for the collection of such taxes; *provided* that in any county where the number of judges of the superior court shall have been increased since the first day of January, eighteen hundred and ninety-seven, or shall hereafter be increased, there must be and there hereby is allowed to the sheriff of such county, by reason of such increase, one additional deputy, to be appointed by the sheriff, at a salary not exceeding twelve hundred dollars per annum, to be paid at the same time and in the same manner as other county officers are paid; and also there must be and is hereby allowed to the county clerk of such county, one additional deputy to act as courtroom clerk, for each judge so appointed or elected, at a salary not exceeding twelve hundred dollars per annum for each of said deputies, to be paid at the same time and in the same manner as other county officers are paid. The board of supervisors shall allow to the sheriff his necessary expenses for pursuing criminals, or transacting any criminal business, and for boarding prisoners in the county jail; *provided* that the board of supervisors shall fix a reasonable price at which such prisoners shall be boarded, if not otherwise provided for in this act; *provided, further*, that the sheriff shall be entitled to receive and retain for his own use, five dollars per diem for conveying prisoners to and from the state prisons, and for conveying persons to and from the insane asylums, or other state institutions not otherwise provided for by law; also, all expenses necessarily incurred in conveying insane persons to and from the insane asylums, and in conveying persons to and from the state prisons, or other state institutions, which per diem and expenses shall be allowed by the board of examiners, collected from the state. The court shall also allow the

sheriff his necessary expenses in keeping and preserving property seized on attachment or executions, to be paid out of the fees collected in the action. The sheriff may retain for his own use the mileage for service of papers or process issued by any court of the state.

Provided further that the county treasurers of the several counties of this state, where their necessary expense incurred in the making of the state settlements provided for by section 3866 Political Code, shall exceed the maximum amount of mileage allowed them by section 3876 of the Political Code, shall be allowed out of the county treasury of their respective counties, the amount of such excess, which shall be paid as other demands against the county are paid. [Amendment approved March 21, 1905; Stats. 1905, p. 582. In effect in sixty days.]

COYOTE SCALPS.

ACT 851.

Fixing a bounty on coyote scalps. [Approved March 31, 1891. Stats. 1891, p. 280.]

Repealed 1895, 1.

Supp. Cal. Rep. Cit. 141, 355; 144, 683; 144, 686; 144, 689; 144, 693; 144, 694; 144, 696.

CRIMINAL LAW.

ACT 863.

An act to create a state bureau of criminal identification, providing for the appointment of a director of said bureau, defining his duties, qualifications and powers, providing for the appointment of a clerk of said bureau, and fixing his qualification, fixing the compensation of said director and clerk, and providing for the manner of paying the same, and providing for the expense of conducting the office.

[Approved March 20, 1905. Stats. 1905, p. 520.]

Section 1. There is hereby created a state bureau of criminal identification, to be known as "The Bureau of Criminal Identification of the State of California."

Sec. 2. There shall be a director of said bureau appointed by the board of prison directors of the State of California at the first regular meeting held by them after the passage of this act whose official designation shall be

"The Director of the State Bureau of Criminal Identification of the State of California," and whose term of office shall be during the pleasure of the board of prison directors.

Sec. 3. It shall be the duty of said director, immediately upon assuming his office to file for record and report in his office all plates, photos, outline pictures, descriptions, information and measurement of all people who have been, or may thereafter be convicted and fined, or imprisoned for violating any of the military, naval, or criminal laws of the United States of America, including the laws in force in any of the territories or possessions of the United States, or of this or any other state.

Sec. 4. It shall be the duty of the director to collect as far as possible and file for record and report in his office all plates, photographs, outline pictures, measurements, information and descriptions of all persons who have been or who hereafter may be, convicted and imprisoned, fined or otherwise subjected to a penalty, by reason of crimes committed by such persons, in this or any other state, territory or possession of the United States of America, and it shall be the duty of the director to use all diligence in procuring the same from the constituted authorities of this or any other states, territories or possessions of the United States of America, and of such municipalities thereof as are engaged in the work of preserving plates, photographs, outline pictures, descriptions, information and measurements of persons who have been or who may hereafter be convicted and imprisoned, fined or otherwise punished for crimes committed within any state, territory or possession of the United States of America, and said director shall request the various authorities of the various states, territories and possessions, within the United States, together with the authorities of the municipalities with whom he shall communicate, to transmit to said director a copy of all plates, photographs, outline pictures, descriptions, information and measurements herein provided for, with a duly prepared certificate signed by an authorized officer of the law having knowledge of the facts therein stated, which certificate shall state that the plates, photographs, outline pictures, measurements, information and description of persons forwarded by such officer to the director in accordance with the provisions of this act are the absolute plates, photographs, outline pictures, measurements, infor-

mation and descriptions of the very person or persons whose plate, photographs, outline pictures, measurements, information and description may be forwarded by such authorities to the director as herein provided. *Provided*, that it shall be the duty of said director to use all diligence to obtain and file for record in his office the plates, photographs, outline pictures, measurements, or information or description of any person who is or who may be hereafter, a fugitive from justice or wanted by the authorities of the United States or of this state by reason of the commission of any crime.

Sec. 5. It shall be the duty of said director to file or cause to be filed all plates, photographs, outline pictures, measurements, information and description which shall be received by him by virtue of his office, and he shall make a complete and systematic record and index of the same, providing thereby a method of convenient consultation and comparison. *Provided*, that it shall be the duty of said director to furnish, upon application, all information pertaining to the identification of any person, or persons, a plate, photograph, outline picture, description, measurement or any data of which person there is a record in his office, *provided, however*, that such information, shall be furnished to the United States officers, or officers of other states or territories or possessions of the United States duly authorized to receive the same and to all sheriffs of the State of California which application shall be in writing, and be accompanied by a certificate signed by the officer making such application, stating that the information applied for is necessary in the interest of the due administration of the laws, and not for the purpose of assisting a private citizen in carrying on his personal litigation, or of assisting any person in advancing his personal interest, or in maliciously or uselessly, harassing, degrading or humiliating any person or persons.

Sec. 6. In this bureau may be used the following systems of identification: The Bertillon, the Depue, the fingerprint system and any system of measurement that may be adopted by law in the various penal institutions of this state. It shall be the duty of the director to keep on file in his office a record consisting of duplicates of all measurements, processes, operations, signalletic cards, plates, photographs, outline pictures, measurements and descriptions of all persons confined in penal institutions of this state as far

as possible, in accordance with whatever system or systems may be in vogue in this state, and he shall furnish copies thereof to persons in the manner provided by section 5 of this act.

Sec. 7. It shall be the duty of the director to obtain from the wardens, superintendent or manager of each of the state prisons and other penal institutions of the state, on the last day of each week a copy of all photographs, and descriptions of all persons admitted to and all persons discharged from such institutions during such week, and it is hereby made the duty of all wardens, superintendents and managers of such penal institutions to furnish to said director such photographs and descriptions in such manner as to enable such director to perform his duties as herein provided.

Sec. 8. The director shall receive a salary of eighteen hundred dollars (\$1800.) per annum, to be paid in the same manner and out of the same fund as state officers are paid. The state board of prison directors is hereby directed to provide office room and furniture, stationery and necessary clerical assistance, and all other things which in their judgment are necessary to properly conduct said bureau, to be paid for pro rata out of the current expense funds of the penal institutions under the control of such prison directors.

CRUELTY TO ANIMALS.

ACT 871.

For the more effectual prevention of cruelty to animals.
[Stats. 1873-4, p. 499.]

Amended 1901, 285; 1903, 69.

Codified by amendments of 1905 of Code of Civil Procedure, Civil and Penal Codes. See note to § 1208, Code of Civil Procedure Supp., note to § 607, Civil Code Supp., and notes to §§ 597, 597a, 599a, 599b, 599d, Penal Code Supp.

DAIRIES.

ACT 876.

An act to prevent the sale of dairy products from unhealthy animals and produced under unsanitary conditions; to provide for the inspection of dairy stock, dairies, factories for the production of dairy products and places where dairy products are handled and sold; to improve the quality of dairy products of the state;

to prevent deception in the sale of dairy products and to appropriate money for enforcing its provisions.

[Approved March 20, 1905. Stats. 1905, p. 462.]

Section 1. No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, expose for sale or offer for sale, or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, or any other buyer or consumer, any unclean, unwholesome, stale, impure milk, cream, butter, condensed or evaporated milk or other article produced from such milk or cream. Neither shall any person or persons, firms or corporations, by themselves or their agents or employes, sell, expose for sale, or offer for sale, or exchange, present or deliver to any consumer, creamery, cheese factory, milk condensing factory, or any other buyer or consumer, any milk, cream, butter, cheese, condensed milk or other products manufactured therefrom, which has been produced in or by a dairy, or factory of dairy products or that is, or has been, handled in any store or depot that is in an unsanitary condition or that is produced from cows affected by any disease or from cows within five days after or fifteen days preceding parturition.

Sec. 2. A dairy shall be deemed unsanitary under the meaning of this act when, among other causes that render milk, or products made therefrom, unclean, unwholesome, impure, and unhealthy,

(b) If the drinking water is stagnant, polluted with manure, urine, drainage, decaying vegetable or animal matter.

(c) If the yards or enclosures are filthy or unsanitary or if any part of such yards or enclosures, other than pastures, are made the depositories of manure in heaps or otherwise where it is allowed to ferment and decay.

If the walls become soiled with manure, urine or other filth.

(g) If to the interior of cattle stables, barns or milking sheds an application of lime whitewash is not made at least once in two years, or if in the mangers, or other receptacles from which cows are fed, decaying food or other material is allowed to accumulate.

(i) If the pails, cans, bottles or other containers of milk, or its products, strainers, coolers or other utensils coming in contact with the milk or its products are not sterilized

by boiling water or superheated steam each and every time the same are used.

(j) If the person or wearing apparel of the dairyman, his employes, or other persons, who come in contact with milk and its products are soiled or not washed from time to time.

Sec. 3. A creamery or any factory of dairy products or any store depot or other place where milk is handled or kept for sale shall be deemed unsanitary under the meaning of this act when, among other causes that render milk, or products made therefrom, unclean, unwholesome, impure, stale or of low grade or inferior quality.

(a) If milk or cream is received that has reached an advanced stage of fermentation, or that shows a state of putrefactive fermentation, or if it is received in cans or other containers that have not been sterilized by means of boiling water or superheated steam after each delivery.

(b) If the utensils and apparatus that comes in contact with milk or its products in process of manufacture are not thoroughly washed and sterilized by means of boiling water or superheated steam.

(c) If the floor is so constructed that permits the flowing or soaking of water, milk or other liquids underneath or among the interstices of such floor where fermentation and decay may take place or if such floor may not be readily kept free from dirt.

(d) If drains are not provided that will convey refuse milk, water and sewage at least fifty yards from such creamery or factory of dairy products or if any cesspool, privy vault, hog yard, slaughter-house, manure or any decaying vegetables or animal matter shall be within a distance that will permit foul odors from reaching any creamery or other factory of dairy products or store or depot where milk or its products is sold or handled.

(e) If such creamery or factory of dairy products, does not permit access of light and air sufficient to secure good ventilation.

(f) If in any building or buildings used in connection with any creamery, or factory of dairy products, any insects or other species of animal life are permitted or if upon the floor, the sides and walls any milk or its products, or if any other filth is allowed to accumulate and ferment and decay or if the bodies or wearing apparel of persons employed, or coming in contact with any milk or its products

in any creamery, or factory of any dairy products, shall be unclean and not washed from time to time.

Sec. 4. No person or persons, firms or corporations, by themselves or their agents or employes, shall sell, expose for sale, or exchange, present or deliver to any creamery, cheese factory, milk condensing factory, ice cream producer, or any other buyer, or consumer, any milk, or any product manufactured or prepared therefrom, to which any compound containing salicylic acid, formaldehyde, coloring matter or any other chemical or preparation other than common salt, or sodium chloride, shall have been added with intent to prevent fermentation, or to change the color (in case of milk and cream); *provided*, that such person or persons, firms or corporations or their agents or employes may use preparations of boron to prevent fermentation in milk or its products, but whenever any preparation of boron is used for such purpose, each and every package or container of milk or its products shall have plainly marked thereon, the fact that it contains such preparation of boron.

Neither shall any gelatine, or other substance, be added to milk or cream with intent to increase its viscosity or otherwise cause it to appear better in quality than it is, except each and every package and container of such milk or cream shall have marked thereon in a manner, or be accompanied by a statement, to be prescribed by the state dairy bureau, showing the nature of the substance added; *provided*, that this section shall not be construed to prevent the use of harmless coloring matter in butter, ice cream or confectionery into which milk or its products enter.

Sec. 5. No person or persons, firms or corporations, by themselves or their agents or employes, shall manufacture for sale, offer for sale, expose for sale, or have in his or their possession for sale, any package of butter upon which, or upon the wrapper or container of which, there shall be printed, or otherwise marked, the word pasteurize or any of its derivatives unless in the process of the manufacture of the butter contained therein either the milk or cream from which the same was made shall have been exposed to a temperature exceeding one hundred and fifty degrees Fahrenheit.

Sec. 6. In case any butter is sold or offered for sale in a package or wrapper purporting to designate the producer of such butter, such producer must be correctly designated; and

if under a label purporting or calculated to designate the place of production, specifying county and state, must be correctly designated. No person, firm or corporation shall put up in package or wrapper or otherwise prepare for shipment or sale any butter under label purporting to designate the producer or place of production, except in accordance with the provisions herein; nor shall any person sell or offer for sale any butter in a package or wrapper purporting to designate the name of the producer or the place of production except in accordance with the provisions herein.

Sec. 7. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to carry out and enforce the provisions of this act, and it is authorized and directed under this act out of the money appropriated as provided herein, to employ such assistant agents as inspectors as it may deem necessary and to fix their compensation not to exceed \$4.00 per day, exclusive of their necessary and actual expenses, such expenses to be itemized and rendered under oath, or \$100.00 per month exclusive of their necessary and actual expenses. Such agents shall have had experience in the manufacture of dairy products and the handling of dairy cattle. In carrying out the provisions of this act the secretary and agent of the state dairy bureau shall receive, in addition to the salary now received under the provisions of the act creating said state dairy bureau, such additional compensation as the dairy bureau may see fit, but not to exceed \$100.00 per month to be drawn from the amount appropriated herein. The state dairy bureau through its agent and secretary, and assistant agents shall inspect the dairies, dairy cattle, creameries and other factories of dairy products, markets, and other places where dairy products are prepared or handled, and keep a careful record of such inspection and report the same to the state dairy bureau, and upon evidence obtained that any of the provisions of this act are being violated, the state dairy bureau, through its agents and secretary, or its assistant agents, shall duly enter complaint against the party or parties, responsible for such violations and cause the same to be prosecuted, except in cases where any dairy, creamery or other factory of milk products or store or depot where milk and its products are handled and sold, is found to be in an unsanitary condition, in which case the agent and

secretary, or the assistant agent, for the district in which the violation occurred, shall serve upon the owner, or owners, or person in charge of the dairy, creamery or other factory of milk products so found to be in an unsanitary condition, a written notice specifying in detail such changes that are to be made that will place such dairy, creamery, or other factory of milk products or store or depot in a sanitary condition as defined in this act. Should such changes not have been made at the expiration of thirty days after the date when the notice was served, the state dairy bureau, through its agent and secretary, or its assistant agents, shall enter complaint against the person or persons responsible for such unsanitary conditions and cause them to be prosecuted for violating this act.

Sec. 8. The state dairy bureau is authorized under this act to gather and compile statistics relative to the dairy industry and to disseminate the same and other information useful to, and to the general good and development of the dairy industry of the state.

Sec. 9. Whenever any agent or inspector of the state dairy bureau shall discover the existence of any contagious or infectious disease among dairy cattle, or have good reason to believe that such disease may exist the same shall be immediately reported to the state veterinarian.

Sec. 10. Whoever shall violate any of the provisions of this act shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than two hundred dollars or by imprisonment in the county jail for a period of not less than ten days nor more than one hundred days, or by both such fine and imprisonment. Any person or persons who shall hinder or prevent an agent or inspector of the state dairy bureau, in the performance of his duty under this act, shall likewise be deemed guilty of a misdemeanor, and upon conviction, shall be fined as already provided in this act. One half of all fines imposed for the violation of this act shall be paid to the state dairy bureau which shall pay the same to the state treasurer and the same shall become a part of the appropriation under this act. The remaining one half of such fine shall be paid to the county in which the fine is imposed.

Sec. 11. It shall be the duty of the district attorney, upon application of the state dairy bureau, through its agent

and secretary, or assistant agents to attend to the prosecution, in the name of the people, of any suit brought for the violation of any of the provisions of this act within his district.

Sec. 12. There is hereby appropriated for the use of the state dairy bureau in enforcing and carrying out the provisions of this act, out of any money in the state treasury not otherwise appropriated, the sum of one thousand five hundred dollars (\$1,500) for the remainder of the fifty-sixth fiscal year; five thousand dollars (\$5000) for the fifty-seventh fiscal year and five thousand dollars (\$5000) for the fifty-eighth fiscal year. All salaries, fees, costs and expenses shall be drawn from the money so appropriated, and the state controller shall draw his warrant on the state treasury in favor of the person or persons entitled to the same.

Sec. 13. An act approved March 22, 1899, entitled "An act to provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition, and as to the health of stock; to prevent the sale of milk and products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock, and to appropriate money therefor," and all other acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 14. This act shall take effect thirty days after its passage.

ACT 877.

To provide for the inspection of dairies, factories of dairy products, and of dairy products as to their sanitary condition and as to the health of stock; to prevent the sale of milk and the products of milk drawn from diseased animals; to prevent the spread of infectious and contagious diseases common to stock. [Stats. 1899, p. 171.]

Repealed 1905, 467. See ante, Act 876.

DEATHS.

ACT 879.

An act for the registration of deaths, the issuance and registration of burial and disinterment permits and the establishment of registration districts in counties, cities and counties, cities and incorporated towns, under

the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act.

[Approved March 18, 1905. Stats. 1905, p. 115.]

Section 1. That department of the state board of health known as the state bureau of vital statistics shall provide for and superintend the complete and proper registration of deaths for legal, sanitary and statistical purposes.

Sec. 2. That for the purposes of this act the state shall be divided into registration districts as follows: Each city and county, city, and incorporated town, and each county exclusive of the portion included within cities and incorporated towns, shall constitute a primary registration district.

Sec. 3. That the recorder of each city and county, county, and the clerk of each city or incorporated town, shall be the local registrar in and for such primary registration district and shall perform all such duties of local registrar as hereinafter provided; *provided however*, that in cities having a freeholders charter the health officer shall act as a local registrar and perform all the duties thereof. Each local registrar shall immediately appoint in writing, a deputy who shall be authorized to act in his stead in case of absence, death, illness, or disability, and when it may appear necessary for the convenience of the people in any county, the local registrar is hereby authorized with the approval of the state registrar of vital statistics to appoint one or more proper and competent persons to act as subregistrars, who shall be authorized to receive certificates of death and to issue burial permits or removal permits in and for such portions of the county as may be designated. Each subregistrar shall note in legible writing over his signature the date each certificate of death was filed, and shall forthwith forward the certificate to the local registrar of the county, and in all cases before the eighth day of the following month; *provided*, that all subregistrars shall be subject to the supervision and control of the state registrar of vital statistics.

Sec. 4. That the body or remains of no person whose death occurs in the state shall be interred, deposited in a vault, grave or tomb, cremated, disinterred or otherwise disposed of, or removed from or into any registration dis-

trict until a permit for burial, disinterment or removal shall have been properly issued by the registrar of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him, as hereinafter required; *provided*, that in case of any death outside of the state, where the body is accompanied by a removal or transit permit issued in accordance with the law and the health regulations in force where the death occurred, such removal or transit permit shall be accepted as of the same authority as a permit from the local registrar when such removal or transit permit shall have indorsed thereon the written approval of the state registrar of vital statistics, or when said state registrar otherwise officially notifies the local registrar of his approval.

Sec. 5. Stillborn children, or those dead at birth, shall be registered as deaths under this act, and a certificate of death and burial or removal permit in usual form shall be required. The medical certificate of cause of death shall be signed by the attending physician or midwife, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of utero-gestation in months, if known.

Sec. 6. That the certificate of death shall be of the standard form recommended by the United States Census Office and the American Public Health Association, and shall contain the following items:

(1) Place of death, including state, county, township or town, city or village. If in a city the ward, street, and house number. If in a hospital or other institution, the name of the same to be given instead of the street and house number.

(2) Full name of decedent. If an unnamed child the surname, preceded by "unnamed."

(3) Sex.

(4) Color or race—as white, black (negro or negro descent), Indian, Chinese, Japanese, or other.

(5) Conjugal condition—as single, married, widowed, or divorced.

(6) Date of birth, including the year, month, and day.

(7) Age, in years, months, and days.

- (8) Place of birth; state or foreign country.
- (9) Name of father.
- (10) Birthplace of father; state or foreign country.
- (11) Maiden name of mother.
- (12) Birthplace of mother; state or foreign country.
- (13) Occupation; the occupation to be reported of any person who had any remunerative employment—women as well as men.
- (14) Signature and address of informant.
- (15) Date of death, including the year, month, and day.
- (16) Statement of medical attendance on decedent, fact and time of death, including the time last seen alive.
- (17) Cause of death, including the primary and immediate causes, and contributory causes or complications, if any, and the duration of each.
- (18) Signature and address of physician or official making the medical certificate.
- (19) Special information concerning deaths in hospitals and institutions and of persons dying away from home, including the former or usual residence, length of time at place of death, and place where the disease was contracted.
- (20) Place of burial or removal.
- (21) Date of burial or removal.
- (22) Signature and address of undertaker.
- (23) Official signature of registrar with date when certificate was filed and registered number.

The certificate shall be written legibly in permanent black ink, typewritten or printed, and no certificate shall be held to be complete and correct that does not supply all of the items of information specified above or satisfactorily account for the omission of any of said items.

The personal and statistical particulars (items 1 to 13) or such other items as shall be required by the state registrar shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death

occurred. He shall further state the cause of death so as to show the course of disease or sequence of causes resulting in death, giving the primary and immediate causes, and contributing causes, if any, and the duration of each. Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from disease will not be held sufficient for issuing a burial or removal permit, and any certificate containing only such terms, as defined by the state registrar, shall be returned to the physician for correction or definition. Causes of death which may be the result of either disease or violence shall be carefully defined; and, if from violence, its nature shall be stated, and whether accidental, suicidal or homicidal. For cause of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head, and shall state where, in his opinion, the disease was contracted. The cause of death and all other facts required shall in all cases be stated in accordance with the instructions and directions of the state registrar.

Sec. 7. In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death and when so notified the registrar shall refer the case to the coroner for his investigation and certification, and the coroner shall within three days after the inquest furnish the local registrar where such death occurs a certificate in form and substance as required by the state registrar and containing as many of the facts required by this act as can be ascertained. Said local registrar shall then forthwith transmit such certificate to the state registrar, retaining a copy thereof on file in his office.

Sec. 8. The undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in the preceding section. And he shall then state the facts required relative to the date and place of burial over his signature and with his address, and present the completed certificate to the reg-

istrar within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton or person in charge of the premises before interring the body, or attach it to the box containing the corpse, when shipped by any transportation company, to accompany same to destination, when it shall be accepted by the sexton as authority for the interment of the body.

Sec. 9. It shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them. He shall carefully examine each certificate when presented for record to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate is incomplete or unsatisfactory it shall be his duty to call attention to the defects in the return and to withhold issuing the burial or removal permit until they are corrected. He shall then number them in consecutive order, beginning with number one for the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. If the certificate is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: *provided*, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under such conditions as may be prescribed by the state and local boards of health. He shall also make a complete and accurate copy of each certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the state registrar. He shall, on or before the 8th day of each month, transmit, to the state registrar all original certificates registered by him during the preceding month. If no deaths occurred in any month he shall, on or before the 8th day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

Sec. 10. If the interment, or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him

as required by law, permission is granted to inter, remove, or otherwise dispose of the body of the deceased, stating the name, age, sex and cause of death and other necessary details upon the form prescribed by the state registrar. In case the interment, or other disposition of the body, is to be made in some registration district other than that in which the death occurred, a complete copy of the certificate of death shall be attached to and made a part of the permit.

Sec. 11. No sexton or person in charge of any premises in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial, removal, or transit permit as herein provided. Each sexton or person in charge of any burial ground shall indorse upon the permit the date of interment, over his signature, and shall return all permits, so indorsed, to the local registrar of his district within one day from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

Sec. 12. The state registrar shall prepare a sample form and blank for all registrars for use in registering, recording and preserving the returns or in otherwise carrying out the purposes of this act, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other forms of blanks shall be used than those prescribed by the state registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be furnished as may be necessary to make the record satisfactory. All physicians, informants, or undertakers connected with the case, and all other persons having knowledge of the facts, are hereby required to furnish such information as they may possess regarding any death, upon demand of the state registrar, in person, by mail, or through the local registrar. He shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive index of all deaths registered, showing the name of deceased, place and date of death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases

are to be considered as infectious, contagious, or communicable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases, and all rules and regulations made by him for carrying out and enforcing the purposes of this act shall, when promulgated, have the same force and effect as if enacted by law.

Sec. 13. Whenever it may be alleged that the facts are not correctly stated in any certificate of death theretofore registered, the local registrar shall require a deposition under oath to be made by the person asserting the fact, to be supported by the depositions of two or more credible persons having knowledge of the facts, setting forth the changes necessary to make the record correct. Having received such depositions, he shall file them and shall then draw a line through the incorrect statement or statements in the certificate, without erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the deposition, attached to the original certificate, when making his regular monthly returns to the state registrar. If the correction relates to a certificate previously returned to the state registrar, he shall transmit the deposition forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall transmit a certified copy of the original certificate, corrected as above, to the local registrar, who shall thereupon substitute such certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, typewritten or printed.

Sec. 14. Each local registrar shall be entitled to be paid the sum of not exceeding twenty-five cents for each death certificate properly and completely made out and registered with him, and by him returned to the state registrar on or before the eighth day of the following month, which sum shall cover and include the making out of the burial permit and the copy of the certificate to be filed and preserved in his office. And in case no deaths were registered during any month, the local registrar shall be entitled to a sum not exceeding twenty-five cents for each report to that effect, promptly made in accordance with the directions of the state registrar: *provided, however*, that all such compensation for

such services shall be fixed by the board of supervisors, city council, or other governing body of such local registration district.

All amounts payable to registrars under the provisions of this act shall be paid by the treasurer or other lawful officer, out of the funds of each registration district, upon warrants drawn by the local auditor or other proper local officer of such district, which warrants shall specify the number of certificates properly registered and reports promptly returned where no deaths are registered, with the amount due for each: *provided, however*, that no warrant shall be issued to any local registrar, or, if issued, shall be paid where notice is previously given by the state registrar to the auditor, treasurer or other proper officer of such registration district that the local registrar has failed to comply with the rules and regulations of the state bureau of vital statistics and the instructions of the state registrar.

Sec. 15. The state registrar shall, upon receipt, furnish any applicant a certified copy of the record of any death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a death, when properly certified by the state registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records, when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the state registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the state treasurer.

Sec. 16. Every physician and undertaker, residing in, at the date of this act or thereafter establishing a residence in, any registration district, shall forthwith register his or her name, address, and occupation, with the local registrar of the district in which he or she resides, and they shall thereupon be furnished by the registrar a copy of this act and such rules, regulations, and instructions as may be prepared by the state registrar with relation to their duties under this act.

Sec. 17. If any physician who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver to the undertaker, sexton,

or other person in charge of the interment, removal, or other disposition of the body, upon request, the medical certificate of cause of death hereinbefore provided for, or shall willfully or knowingly make a false certification of the cause of death in any case, he shall be deemed guilty of a misdemeanor.

If any undertaker, sexton, or other person acting as undertaker shall inter, remove, or otherwise dispose of the body of any deceased person without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor.

Any registrar, deputy registrar or subregistrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the state registrar, shall be deemed guilty of a misdemeanor.

And any person or persons who shall violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, shall be deemed guilty of a misdemeanor.

Any transportation company or common carrier transporting or carrying, or accepting through its agents or employees for transportation or carriage, the body of any deceased person without an accompanying permit, issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred dollars.

Sec. 18. Local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts under the supervision and direction of the state registrar. They shall make an immediate report to the state registrar of any violations of this law coming to their notice by observation or upon complaint of any person or otherwise. The state registrar shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney or other proper officer of the county or municipality, with a statement of the facts and circumstances, and when any such case is reported to them by the state registrar all prosecuting attorneys or officials acting in such capa-

city shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law.

Sec. 19. All acts and parts of acts in conflict or inconsistent with the provisions of this act are hereby repealed.

DEBRIS COMMISSIONER.

ACT 898.

To provide for the appointment, duties, and compensation of a debris commissioner. [Stats. 1893, p. 339.]

Amended 1897, 169; 1901, 284, 564; 1905, 142; § 6 repealed 1901, 564.

DEEDS.

ACT 904.

Real estate, conveyances of. [Stats. 1873-4, p. 345.]

Partly codified by amendment of Civil Code, 1905. See note to § 1096, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 714. It relates to conveyances by persons whose names are changed.

DENTISTRY.

ACT 921.

Insuring the better education of practitioners of dental surgery, and to regulate the practice of dentistry. [Stats. 1885, p. 110.]

Amended 1893, 70. Repealed 1901, 564.

Supp. Cal. Rep. Cit. 144, 168; 144, 169; 144, 170; 144, 177.

ACT 922.

An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the state of California, providing penalties for the violation hereof, and to repeal an act now in force relating to the same and known as "An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the state of California, approved March 12, 1885." [Approved March 23, 1901. Stats. 1901, p. 564.]

Amended 1903, 322; 1905, 480.

This act appears in full with the exception of the amendment of 1905, in General Laws, 1903, p. 828.

Supp. Cal. Rep. Cit. 144, 169; 144, 170; 144, 177.

DITCHES.

ACT 950.

An act for the protection of the owners of ditches and flumes. [Stats. 1889, p. 202.]

Codified in part by amendment of Civil Code, 1905. See note to § 842, Civil Code Supp.

This act appears in full in General Laws, 1903, p. 340.

DRAINAGE.

ACT 979.

An act to create a drainage district to be called "Sacramento Drainage District," to promote drainage therein; to provide for the election and appointment of officers of said drainage district; defining the powers, duties and compensations of such officers and providing for the creation, division and management of reclamation, swamp land, levee, drainage and protection districts within said Sacramento drainage district, and providing for levying and collecting assessments upon the lands within said drainage district. [Stats. 1905, p. 443.]

ACT 982.

To provide for the organization and government of drainage districts, for the drainage of agricultural lands other than swamp and overflowed lands. [Stats. 1897, p. 334.]

Amended 1901, 554. Repealed 1903, 817.

Supp. Cal. Rep. Cit. 142, 201.

ACT 983.

To provide a system of drainage for agricultural, swamp, and overflowed lands. [Approved March 3, 1881. Stats. 1881, p. 15.]

Amended 1897, 220.

Supp. Cal. Rep. Cit. 144, 216.

ACT 985.

An act to promote drainage. [Approved March 18, 1885. Stats. 1885, p. 204.]

Amended 1891, 262.

This act appears in full in General Laws, 1903, p. 344.

Supp. Cal. Rep. Cit. 144, 210; 144, 211; 144, 212; 144, 213; 144, 214; 144, 216; 144, 217.

ELECTIONS.

ACT 1015.

To promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and privileges in relation thereto, and providing for the punishment thereof. [Stats. 1893, p. 12.]

Amended 1895, 227; 1905, 37; 1905, 93.

Codified in part by amendments of Penal Code, 1905. See notes to §§ 42, 42a, 46, 47, 49, 50, 51, 54a, 54b, 57, 57a, 59, Penal Code Supp.

This act appears in full with the exception of the amendments of 1905, in Political Code, 1903, Appendix, p. 1044.

Supp. Cal. Rep. Cit. 141, 415; 141, 416.

EMPLOYMENT AGENTS.

ACT 1036.

Defining the duties and liabilities of employment agents, making the violation thereof a misdemeanor and fixing penalties therefor. [Stats. 1903, p. 14.]

Amended 1905, 143.

This act appears in full with the exception of the amendment of 1905 in Penal Code, 1903, Appendix, p. 592.

Supp. Cal. Rep. Cit. 144, 235.

ESTATES OF DECEASED PERSONS.

ACT 1055.

Authorizing certain corporations to act as executor, administrator, guardian, assignee, receiver, depository or trustee, and in other capacities, and to provide for and regulate the administration of trusts by such corporations. [Stats. 1891, p. 490.]

Amended 1897, 424; 1903, 244; 1905, 232.

This act appears in full, with the exception of the amendment of 1905, in the Appendix to the Civil Code, 1903, p. 702. It authorized deposits to be made with such corporations and the reduction of the bond of an executor, guardian, etc., depositing with such corporation.

ESTRAYS.

ACT 1060.

An act relating to estrays, providing for taking them up and giving a lien on them for all damages, costs, and expenses incurred by reason of taking them up, and repealing all other acts and parts of acts now in force relating to estrays. [Stats. 1901, p. 603.]

Amended 1905, 395.

This act appears in full with the exception of the amendment of 1905 in General Laws, 1903, p. 394.

EXPLOSIVES.

ACT 1093.

An act to protect life and property against the careless and malicious use or handling of dynamite and other explosives. [Stats. 1887, p. 110.]

Codified in part by amendment of Penal Code, 1905. See note to §§ 375a and 601, Penal Code Supp.

This act appears in full in General Laws, 1903, p. 400.

FEEBLE-MINDED CHILDREN.

ACT 1108.

To establish the "California home for the care and training of feeble-minded children," and provide for the maintenance of the same. [Stats. 1885, p. 198.]

Repealed 1887, 73.

Supp. Cal. Rep. Cit. 139, 266; 139, 267.

ACT 1109.

To provide for the government and management of the California home for the care and training of feeble-minded children. [Stats. 1887, p. 69.]

Amended 1889, 155. Supplemented 1897, 2, 251; 1901, 795.

Supp. Cal. Rep. Cit. 139, 267.

ACT 1113.

To authorize, empower, and direct the California home for the care and training of feeble-minded children, to admit idiots, epileptics and mentally enfeebled paralytics into said institution; to provide for the support of all inmates therein, and to repeal all acts or parts of acts in conflict with the provisions of this act. [Stats. 1897, p. 251.]

Supp. Cal. Rep. Cit. 139, 265; 139, 266.

FEEES.

ACT 1123.

To establish the fees of county, township and other officers, and of jurors and witnesses in this state. [Stats. 1895, p. 267.]

This act appears in full in General Laws, 1903, p. 406.

Supp. Cal. Rep. Cit. 144, 268.

ACT 1125.

An act forbidding the payment of municipal officers out of the funds of the county.

[Approved March 8, 1905. Stats. 1905, p. 88.]

Section 1. In no case shall the fees of a city justice of the peace, town or city recorder or city or town marshal, for services in any criminal action, be a charge against the county.

FENCES.

ACT 1140.

To prevent persons from passing through inclosures and leaving them open, and tearing down fences to make passage through inclosures. [Stats. 1871-2, p. 384.]

See § 7, 1875-6, 408; 1877-8, 49, 776.

Codified by amendment of Penal Code, 1905. See note to § 602, Penal Code Supp.

In full in Appendix to Penal Code, 1903, p. 598.

FIRE.

ACT 1168.

Forest fires on public lands, act to prevent destruction by. [Stats. 1871-2, p. 96.]

Codified by amendment of Penal Code, 1905. See note to § 384, Penal Code Supp.

In full in Appendix to Penal Code, 1903, p. 600.

ACT 1169.

To prevent the destruction by fire of the property of contiguous owners. [Stats. 1891, p. 473.]

Codified by amendment of Penal Code, 1905. See note to § 384a, Penal Code Supp.

In full in Appendix to Penal Code, 1903, p. 601.

This act made it a misdemeanor to start a fire in hay, grain, stubble, or grass without first taking certain precautions.

FIRE DEPARTMENT.

ACT 1173.

An act to create a firemen's relief, health, and life insurance and pension fund in the several counties, cities and counties, cities, and towns of the state.

[Approved March 20, 1905. Stats. 1905, p. 412.]

Section 1. The chairman of the board of supervisors of the county, city and county, city or incorporated town in
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which there is no board of fire commissioners, the treasurer of the county, city and county, or incorporated town, and the chief of the fire department, and their successors in office, are hereby constituted a board of trustees of the firemen's relief or pension fund of the fire department, to provide for the disbursement of the same and to designate the beneficiaries thereof as hereinafter directed, which board shall be known as the "Board of Firemen's Pension Fund Commissioners"; *provided, however*, that where there is in any county, city and county, city, or town, a board of fire commissioners, then such body shall constitute said board of trustees of the firemen's relief and pension fund of the fire department.

Sec. 2. They shall organize as such board by choosing one of their number as chairman, and by appointing a secretary. The treasurer of the county, city and county, city, or town, shall be *ex-officio* treasurer of said fund. Such board of trustees shall have charge of and administer said fund, and to order payments therefrom in pursuance of the provisions of this act. They shall report annually, in the month of June, to the board of supervisors, or other governing authority of the county, city and county, city, or incorporated town, the condition of the firemen's relief and pension fund, and the receipts and disbursements on account of the same, with a full and complete list of the beneficiaries of said fund and the amounts paid them.

Sec. 3. Whenever any person at the taking effect of this act, or thereafter shall have been duly appointed or selected and sworn, and have served for twenty years, or more, in the aggregate, as a member, in any capacity or any rank whatever, of the regularly constituted fire department of any such county, city and county, city, or town which may hereafter be subject to the provisions of this act, said board may, if it see fit, order and direct that such person after becoming sixty years of age be retired from further service in such fire department, and from the date of the making of such order the service of such person in such fire department shall cease, and such person so retired shall thereafter, during his lifetime, be paid from such fund a yearly pension equal to one half of the amount of salary attached to the rank which he may have held in said fire department for the period of one year next preceding the date of such retirement.

Sec. 4. Whenever any person, while serving as a fireman in any such county, city and county, city, or town, shall

become physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duty as such fireman, said board may, upon his written request, or without such request, if it deem it to be for the good of said fire department force, retire such person from said department, and order and direct that he shall be paid from said fund, during his lifetime, a yearly pension equal to one half of the amount of salary attached to the rank which he may have held on such fire department force at the date of such retirement, but on the death of such pensioner his heirs or assigns shall have no claim against or upon such firemen's relief or pension fund; *provided*, that whenever such disability shall cease such pension shall cease, and such person shall be restored to active service at the same salary he received at the time of his retirement.

Sec. 5. No person shall be retired, as provided in the next preceding section, or receive any benefit from said fund, unless there shall be filed with said board certificates of his disability, which certificates shall be subscribed and sworn to by said person, and by the county, city and county, city, or town physician (if there be one), and two regularly licensed practicing physicians of such county, city and county, city, or town, and such board may require other evidence of disability before ordering such retirement and payment as aforesaid.

Sec. 6. Whenever any member of the fire department of such county, city and county, city, or town, shall lose his life while in the performance of his duty, leaving a widow, or child or children under the age of sixteen years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a yearly pension, equal to one third the amount of the salary attached to the rank which such member held in said fire department at the time of his death, shall be paid to such widow during her life, or if no widow, then to the child or children, until they shall be sixteen years of age; *provided*, if such widow, or child or children, shall marry, then such person so marrying shall thereafter receive no further pension from such fund.

Sec. 7. Whenever any member of the fire department of such county, city and county, city, or town, shall, after ten years of service, die from natural causes, then his widow or children, or if there be no widow or children, then his mother or unmarried sisters, shall be entitled to the sum of one thousand dollars from such fund.

Sec. 8. Any person retired for disability under this act may be summoned before the board herein provided for at any time thereafter, and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of such board with reference thereto; and all members of the fire department force who may be retired under the provisions of this act shall report to the chief of the fire department of the county, city and county, city, or town where so retired, on the first Mondays of April, July, October, and January of each year; and in cases of great public emergency may be assigned to and shall perform such duty as said chief of the fire department may direct; and such persons shall have no claim against the county, city and county, city, or town, for payment for such duty so performed.

Sec. 9. When any person who shall have received any benefit from said fund shall be convicted of any felony, or shall become an habitual drunkard, or shall become a non-resident of this state, or shall fail to report himself for examination for duty as required herein, unless excused by the board, or shall disobey the requirements of said board under this act, in respect to said examination or duty, then such board shall order that such pension allowance as may have been granted to such person shall immediately cease, and such person shall receive no further pension, allowance, or benefit under this act.

Sec. 10. The board herein provided for shall hold quarterly meetings on the first Mondays of April, July, October, and January of each year, and upon the call of its president; it shall biennially select from its members a president and secretary; it shall issue warrants, signed by its president and secretary, to the persons entitled thereto of the amount of money ordered paid to such persons from such fund by said board, which warrant shall state for what purpose such payment is to be made; it shall keep a record of all its proceedings, which record shall be a public record; it shall, at each quarterly meeting, send to the treasurer of the county, city and county, city, or town, and to the auditor of such county, city and county, city, or town, a written or printed list of all persons entitled to payment from the fund herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the president and secretary of such board, attested under oath. The auditor shall thereupon enter a copy of said list upon a

book to be kept for that purpose, and which shall be known as "The firemen's relief and pension fund book." When such list has been entered by the auditor, he shall transmit the same to the board of supervisors, or other governing authority of such county, city and county, city, or town, which board of authority shall order the payment of the amounts named therein out of "The firemen's relief and pension fund." A majority of all the members of said board herein provided for shall constitute a quorum, and have power to transact business.

Sec. 11. The board herein provided for shall, in addition to other powers herein granted, have power,—

First—To compel witnesses to attend and testify before it, upon all matters connected with the operation of this act, in the same manner as is or may be provided by law for the taking of testimony before notaries public; and its president, or any member of said board, may administer oaths to such witnesses.

Second—To appoint a secretary, and to provide for the payment from said fund of all its necessary expenses including secretary hire and printing; *provided*, that no compensation or emolument shall be paid to any member of said board for any duty required or performed under this act.

Third—To make all needful rules and regulations for its guidance, in conformity with the provisions of this act.

Sec. 12. The board of supervisors, or other governing authority, of any county, city and county, city, or town, shall, for the purposes of said "firemen's relief and pension fund" hereinbefore mentioned, direct the payment annually, and when the tax levy is made, into said fund, of the following moneys:—

First—All rewards given or paid to members of such firemen's force.

Second—All fines imposed upon members of the fire department in keeping with rules and regulations of the department.

Third—The treasurer of any county, city and county, city, or town, shall retain from the pay of each member of the fire department the sum of 2 per cent of each month's pay to be forthwith paid into said firemen's relief and pension fund, and no other or further retention or deduction shall be made from such pay for any other fund.

Fourth—One half of all fines imposed and collected for violation of laws pertaining to precaution against fire.

Sec. 13. Any fireman's life and health insurance fund, or any fund provided by law, heretofore existing in any county, city and county, city, or town, for the relief or pensioning of firemen, or their life or health insurance, or for the payment of a sum of money on their death, shall be merged with, paid into, and constitute a part of the fund created under the provisions of this act; and no person who has resigned or been dismissed from said fire department shall be entitled to any relief from such fund; *provided*, that any person who, within one year prior to the passage of this act, has been dismissed from the fire department for incompetency or inefficiency, and which incompetency or inefficiency was caused solely by sickness or disability contracted or suffered while in service as a member thereof, and who has, prior to said dismissal, served for twelve or more years as such member, shall be entitled to all the benefits of this act.

Sec. 14. On the last day of June of each year, or as soon thereafter as practicable, the auditor of such county, city and county, city, or town, shall make a report to the board of supervisors, or other governing authority of such county, city and county, city, or town, of all moneys paid out on account of said fund during the previous year, and of the amount then to the credit of the "firemen's relief and pension fund," and all surplus of said fund then remaining in said fund exceeding the average amount per year paid out on account of said fund during the three years next preceding, shall be transferred to and become a part of the general fund of every such county, city and county, city, or town, and no longer under the control of said board, or subject to its order. Payments provided for in this act shall be made quarterly, upon proper vouchers.

ACT 1175.

To create a firemen's relief, health, and life insurance, and pension fund in the several counties, cities and counties and cities and towns of this state. [Stats. 1901, p. 101.]

Amended 1903, 158.

This act appears in full in Political Code, 1903, Appendix, p. 1081.

Probably superseded by act of March 20, 1905, creating a firemen's relief, health and life insurance pension fund. See ante, Act 1178.

ACT 1179.

Authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations. [Stats. 1895, p. 76.]

Amended 1899, 57; 1905, 39.

This act appears in full with the exception of the amendment of 1905, in Political Code, 1903, Appendix, p. 1079.

FIRE PATROL.**ACT 1186.**

Underwriters, authorizing the establishment of the fire patrol by. [Stats. 1875-6, p. 689.]

Amended 1897, 223.

Codified by amendment of Civil Code, 1905. See note to § 453a, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 715.

FORESTRY.**ACT 1216.**

An act to provide for the regulation of fires on, and the protection and management of, public and private forest lands within the State of California, creating a state board of forestry and certain officers subordinate to said board, prescribing the duties of such officers, creating a forestry fund, and appropriating the moneys in said fund, and defining and providing for the punishment of certain offenses for violations of the provisions of this act, and making an appropriation therefor.

[Approved March 18, 1905. Stats. 1905, p. 235.]

Section 1. *State board of forestry.*—There shall be a state board of forestry, consisting of the governor, secretary of state, attorney-general and state forester, which shall supervise all matters of state forest policy and management and convene upon the call of the governor or of its secretary.

Sec. 2. *State forester and his duties.*—There shall be a state forester, who shall be a civil executive officer, and who shall be a technically trained forester, appointed by the governor to hold office at the pleasure of the appointing power; and whether any candidate for the position is a technically trained forester shall be determined by certificate from the secretary of the United States Department of Agriculture, or from the Department of Forestry of the State University after such department is established. He shall receive a salary of twenty-four hundred dollars per annum, and shall

be authorized and empowered to appoint two assistant foresters, whose salaries shall not exceed twelve hundred dollars each per annum. He shall maintain headquarters at the state capitol in an office provided by the secretary of state, and shall be allowed necessary office and contingent expenses. He and his assistants shall be paid reasonable traveling and field expenses which may be incurred in the necessary performance of their official duties. He shall act as secretary of the state board of forestry. He shall, under the supervision of the state board of forestry, execute all matters pertaining to forestry within the jurisdiction of the state; have charge of all fire wardens in the state, and direct and aid them in their duties; direct the protection and improvement of state parks and forests; collect data relative to forest destruction and conditions; take such action as is authorized by law to prevent and extinguish forest, brush, and grass fires; enforce all laws pertaining to forest and brush-covered land, and prosecute for any violation of such laws; co-operate with land owners, as described in section 4 of this act; and publish from time to time such information of forestry as he may deem wise. He shall prepare annually a report to the governor on the progress and condition of state forest work, and recommend therein plans for improving the state system of forest protection, management and replacement.

Sec. 3. *Supervision and care of state parks.*—The California Redwood Park and the Mt. Hamilton tract, together with all moneys heretofore or hereafter appropriated for the purchase of land for or care of said parks, tracts and stations, shall be in charge of the state board of forestry, said board to take place of and forthwith shall have all the powers and duties now possessed in accordance with law by persons or commissions with regard to the state parks, tracts of land, and forest stations mentioned in this act, and also any forest or brush land which may hereafter become state property, or be placed definitely in the care of the state; and it is hereby further enacted that, if the government of the United States or any individual or corporation shall, at any time, donate or entrust to the State of California, for state park or state forest reserve purposes, any tract or tracts of wholly or partially wooded land, such tract or tracts of land shall be administered at the expense of the state, as provided by law.

Sec. 4. Co-operative work.—The state forester shall, upon request and whenever he deems it essential to the best interests of the people and the state, co-operate with counties, towns, corporations and individuals in preparing plans for the protection, management and replacement of trees, woodlots and timber tracts, on consideration and under an agreement that the parties obtaining such assistance pay at least the field expenses of the men employed in preparing said plans.

Sec. 5. Publication of laws and notices.—The state forester shall prepare and print for public distribution, an abstract of all the forest laws of California, together with such rules and regulations in accord therewith as he may deem necessary, and shall annually print and distribute a list of all fire wardens with their addresses, all such matter to be published with the approval of the state board of forestry. He shall also furnish notices, printed in large letters on cloth, calling attention to the danger from forest fires and to forest fire and trespass laws and their penalties. Such notices shall be posted by the fire wardens in conspicuous places along every highway in brush and forest-covered country, at frequent intervals along streams and lakes frequented by tourists, hunters or fishermen, at established camping sites, and in every post office in the forested region.

Sec. 6. Fire districts.—The state forester shall divide the state into such number of fire districts as shall be deemed by him most necessary to the efficiency of his work; and, furthermore, any county, or combination of less than four counties, shall be made a separate fire district, upon request of the county board or board of supervisors, in which case such special fire district shall pay the cost of maintaining its district fire warden.

Sec. 7. Duties of assistant foresters.—The duties of the assistant foresters shall be to devote their entire time to state forest interests according to rules and directions to be determined by the state forester, with the approval of the state board of forestry. They shall take prompt measures to prevent and extinguish forest fires; keep a record of the cause, extent and damage of all forest fires in their respective districts, and perform such other duties as the state forester may direct.

Sec. 8. Voluntary fire wardens and their duties.—The state forester shall appoint, in such number and localities as he deems wise, public-spirited citizens to act as voluntary

fire wardens, who may receive payment for their services from the counties or from private sources. They shall promptly report all fires and take immediate and active steps toward their extinguishment, report any violation of the forest laws, assist in apprehending and convicting offenders, and perform such other duties as the state forester may direct. The supervisors and rangers on the federal forest reserve within the state, whenever they formally accept the duties and responsibilities of fire wardens, may be appointed as voluntary fire wardens, and shall have all the powers given to fire wardens by this act.

Sec. 9. *Powers and requirements of fire wardens.*—The state forester and all fire wardens shall have the powers of peace officers to make arrests without warrant, for violations of any state or federal forest laws, and no fire warden shall be liable to civil action for trespass committed in the discharge of his duties. Any fire warden who has information which would show, with reasonable certainty that any person had violated any provision of such forest laws, shall immediately take action against the offender, either by using his own powers as a peace officer, or by making complaint before the proper magistrate, or by information to the proper district attorney, and shall obtain all possible evidence pertaining thereto. Failure on the part of any paid fire warden to comply with the duties prescribed by this act shall be a misdemeanor, and punishable by a fine of not less than twenty dollars, nor more than two hundred and fifty dollars, or imprisonment for not less than ten days nor more than three months, or both such fine and imprisonment and the state forester is hereby authorized to investigate and prosecute such violations.

Sec. 10. *Assistance of citizens in fighting fires.*—All fire wardens shall have authority to call upon able-bodied citizens between the ages of sixteen and fifty years, for assistance in putting out fires, and any such person who refuses to obey such summons, unless prevented by good and sufficient reasons, is guilty of a misdemeanor, and must be fined in a sum not less than fifteen dollars, nor more than fifty dollars, or imprisonment in the county jail of the county in which such conviction shall be had, not less than ten days, nor more than thirty days, or both such fine and imprisonment; *provided*, that no citizen shall be called upon to fight fire a total of more than five days in any one year.

Sec. 11. *Fire Patrol.*—In times and localities of particular fire danger the state forester may maintain a fire patrol through the fire wardens, at such places in brush or forest land as the public interest may require, the expense of such patrol to be paid by the county in which such patrol is maintained; and, furthermore, he may, upon written request by counties, corporations or individuals, maintain a fire patrol on their forest lands, *provided*, that the expense of said patrol be paid by the party or parties requesting same.

Sec. 12. *District attorneys to prosecute vigorously.*—Whenever an arrest shall have been made for violation of any provision of this act, or whenever any information of such violation shall have been lodged with him, the district attorney of the county in which the criminal act was committed must prosecute the offender or offenders with all diligence and energy. If any district attorney shall fail to comply with the provisions of this section he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than one thousand dollars in the discretion of the court. Action against the district attorney shall be brought by the attorney-general in the name of the people of the state on the relation of the state forester. The penalties of this section shall apply to any magistrate with proper authority, who refuses or neglects to cause the arrest and prosecution of any person or persons when complaint, under oath, of violation of any terms of this act has been lodged with him.

Sec. 13. *Destruction of warning notices.*—Any person who shall destroy, deface, remove or disfigure any sign, poster or warning notice posted under the provisions of this act shall be guilty of a misdemeanor and punishable, upon conviction, by a fine of not less than fifteen dollars nor more than one hundred dollars, or imprisonment in the county jail for a period of not less than ten days nor more than three months, or both such fine and imprisonment.

Sec. 14. *Willfully, maliciously and negligently setting forest fires.*—Every person, who willfully, maliciously or negligently sets on fire or causes or procures to be set on fire any woods, brush, prairies, grass, grain or stubble on any lands not his own, or allows the fire to escape from his own land, whereby any property of another is injured or destroyed, or accidentally sets any such fire or allows it to escape from his control without extinguishing it or using every effort to extinguish it, shall be guilty of a misdemeanor,

and upon conviction is punishable by a fine of not less than fifty dollars, nor more than one thousand dollars, or imprisonment for not less than thirty days, nor more than one year, or both such fine and imprisonment. Setting such fires or allowing them to escape shall be prima facie proof of willfulness, malice or neglect under this section, *provided*, that nothing herein contained shall apply to a person who, in good faith, sets a back fire to check a fire already burning.

Sec. 15. *Extinguishment of camp fires*.—Every person who, upon departing from a camp or camping place, leaves fire burning or unextinguished, or who after building such fire allows it to spread, shall be guilty of a misdemeanor and punishable by a fine of not less than fifty dollars nor more than five hundred dollars, with costs of suit and collection, one half of such fine or such a portion thereof as shall not exceed fifty dollars, to be paid to the person securing the arrest and conviction of such offender, and if the defendant refuses or neglects to pay the fine and costs imposed, he shall be confined in the county jail of the county in which conviction shall be had, for a period not to exceed one day for every two dollars of the fine imposed, or may be subject to both such fine and imprisonment.

Sec. 16. *Restriction of use of fire in dry season*.—It shall be unlawful during what is locally known as the "dry season," this to be considered as the period between May fifteenth and the first soaking rains of autumn or winter, for any person or persons to burn brush, stumps, logs, fallen timber, fallows, grass or forest-covered land, or blast wood with dynamite, powder or other explosives, or set off fireworks of any kind in forest or brush-covered land, either their own or the property of another, without written permission of and under the direction or supervision of a fire warden in that district; these restrictions not to apply to the ordinary use of fire or blasts in logging redwood, nor in cases where back fires are set in good faith to stop an existing fire. Violation of these provisions shall be a misdemeanor, punishable, upon conviction, by a fine of not less than fifty dollars, nor more than one thousand dollars, or imprisonment not less than thirty days nor more than one year, or both such fines and imprisonment.

Sec. 17. *Engines in forest land*.—Logging locomotives, donkey or threshing engines, and other engines and boilers operated in, through or near forests, brush or grass land, which do not burn oil as fuel, shall be provided with ap-

pliances to prevent the escape of fire and sparks from the smoke stacks thereof, and with devices to prevent the escape of fire from ash pans and fire boxes. Failure to comply with these requirements shall be a misdemeanor, punishable, upon conviction, by a fine of not less than one hundred dollars nor more than five hundred dollars, and any person violating any provision of this section shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars, for every such violation, or imprisonment for not less than thirty days nor more than three months, or both such fine and imprisonment.

Sec. 18. *Civil liability for forest fires.*—In addition to the penalties provided in sections 14, 15, 16 and 17 of this act, the United States, state, county, or private owners, whose property is injured or destroyed by such fires, may recover, in a civil action, double the amount of damages suffered if the fires occurred through willfulness, malice or negligence; but if such fires were caused or escaped accidentally or unavoidably, civil action shall lie only for the actual damage sustained as determined by the value of the property injured or destroyed, and the detriment to the land and vegetation thereof. The presumption of willfulness, malice or neglect shall be overcome, *provided*, that the precautions set forth in section 17 are observed; or, *provided*, under section 16, fires are set during the "dry season" with written permission of and under the direction of the district fire warden. Persons or corporations causing fires by violations of sections 14, 15, 16 and 17 of this act shall be liable to the state or county in action for debt, to the full amount of all expenses incurred by the state or county in fighting such fires.

Sec. 19. *Clearing along county roads and land after lumbering.*—Counties, along the county roads, in forest or brush land, shall, when so directed by the state forester, and in a manner and to an extent prescribed by him, cut and remove all brush, grass and inflammable material from their rights of way. If such clearing is not done within a reasonable time after notice, said time to be fixed by the state forester, the state forester shall have it done and the county shall be liable to the state in an action for debt to the amount of the expense thus incurred, and in addition thereto for the expense of any fire patrol rendered necessary by such delay. It is *provided, further*, that all lumber companies, corporations, or individuals shall, when so instructed by the

state board of forestry, and at a time and in a manner prescribed by said board, carefully burn their slashings, by which is meant the tops, limbs, and general debris left after lumbering.

Sec. 20. *Disposals of moneys received as penalties.*—All moneys received as penalties for violations of the provisions of this act, less the cost of collection, and not otherwise provided for, shall be paid into the state treasury to the credit of the forestry fund, which fund is hereby created, and the moneys therein are hereby appropriated for purposes of forest protection, management and replacement under direction of the state board of forestry.

Sec. 21. *Moneys for forest purposes.*—County boards of supervisors may appropriate money for purposes of forest protection, improvement and management.

Sec. 22. *Payment of expenses under this act.*—There is hereby appropriated for the fifty-seventh and fifty-eighth fiscal years, the sum of seventeen thousand six hundred dollars (\$17,600.00) for carrying out the provisions of this act, and for the payment of all salaries and expenses herein provided for.

Sec. 23. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

ACT 1217.

An act to appropriate one hundred thousand dollars from any moneys hereafter collected and received by the State of California from the United States in payment of the claims of this state arising out of the Indian and Civil wars, to be expended in the acquisition, preservation, and protection of the forests of this state; creating the state board of examiners a commission to carry this act into effect and for the disbursement of said moneys, and creating the "state forestry fund." [Stats. 1905, p. 183.]

FRANCHISES.

ACT 1229.

An act providing for the sale of street railroad and other franchises in counties and municipalities, and providing conditions for the granting of such franchises by legislative or other governing bodies, and repealing conflicting acts.

[Approved March 22, 1905. Stats. 1905, p. 777.]

Section 1. Every franchise or privilege to erect or lay telegraph or telephone wires, to construct or operate street or interurban railroads upon any public street or highway, to lay gas pipes for the purpose of carrying gas for heat and power, to erect poles or wires for transmitting electric heat and power along or upon any public street or highway, or to exercise any other privilege whatever hereafter proposed to be granted by boards of supervisors, boards of trustees, or common councils, or other governing or legislative bodies of any county, city and county, city or town within this state, except steam railroads and except telegraph or telephone lines doing an interstate business, and renewals of franchises for piers, chutes or wharves, shall be granted upon the conditions in this act provided, and not otherwise.

Sec. 2. An applicant for any franchise or privilege above mentioned shall file with the governing or legislative body of the county or municipality an application, and thereupon said governing body shall, in its discretion, advertise the fact of said application, together with a statement that it is proposed to grant the same, in one or more newspapers of the county, city and county, city or town wherein the said franchise or privilege is to be exercised. Said advertisement must state that bids will be received for such franchise, and that it will be awarded to the highest bidder, and the same must be published in such newspaper once a day for ten successive days, if it be a daily newspaper, and if there be no daily newspaper published in such county, city and county, city or town, then it shall be published in a weekly newspaper once a week for four successive weeks, and in either case the full publication must be completed not less than twenty nor more than thirty days before any further action can be taken thereon.

Sec. 3. The publication must state the character of the franchise or privilege proposed to be granted, the term for which it is granted, and, if it be a street railroad, the route to be traversed; that sealed bids therefor will be received up to a certain hour and day named therein, and that the successful bidder and his assigns must, during the life of said franchise, pay to the county or municipality two per cent (2%) of the gross annual receipts of the person, partnership or corporation to whom the franchise is awarded, arising from its use, operation or possession. No percent-

age shall be paid for the first five (5) years succeeding the date of the franchise, but thereafter such percentage shall be payable annually; and in the event said payment is not made, said franchise shall be forfeited; *provided further*, that if the franchise be a renewal of a right already in existence, the payment of said percentage of gross receipts shall begin at once.

Sec. 4. In case the franchise granted shall be an extension of an existing system of street railroad, then the gross receipts shall be estimated to be one half of the proportion of the total gross receipts of said system which the mileage of such extension bears to the total mileage of the whole system, and said estimate shall be conclusive as to the amount of the gross receipts of said extension.

Sec. 5. Said advertisement shall also contain a statement that the said franchise will be struck off, sold and awarded to the person, firm or corporation who shall make the highest cash bid therefor; *provided, only*, that at the time of the opening of said bids any responsible person, firm or corporation present or represented may bid for said franchise or privilege, a sum not less than ten per cent above the highest sealed bid therefor, and said bid so made may be raised not less than ten per cent by any other responsible bidder, and said bidding may so continue until finally said franchise shall be struck off, sold, and awarded by said governing body to the highest bidder therefor in gold coin of the United States. Each sealed bid shall be accompanied with cash or a certified check, payable to the treasurer of such county or municipality, for the full amount of said bid, and no sealed bid shall be considered unless said cash or check is enclosed therewith and the successful bidder shall deposit, at least ten per cent of the amount of his bid with the clerk of such county or municipality before the franchise shall be struck off to him. And if he shall fail to make such deposit immediately, then and in that case, his bid shall not be received, and shall be considered as void, and the said franchise shall then and there be again offered for sale to the bidder who shall make the highest cash bid therefor, subject to the same conditions as to deposit, as above mentioned. Said procedure shall be had until said franchise is struck off, sold, and awarded to a bidder who shall make the necessary deposit of at least ten per cent of the amount of his bid therefor,

as herein provided. Said successful bidder shall deposit with the clerk of such county or municipality, within twenty-four hours of the acceptance of his bid, the remaining ninety per cent of the amount thereof, and in case he or it shall fail to do so, then the said deposit theretofore made, shall be forfeited, and the said award of said franchise shall be void, and the said franchise shall then and there, by said governing body, be again offered for sale to the highest bidder therefor, in the same manner, and under the same restriction as hereinbefore provided, and in case said bidder shall fail to deposit with the clerk of such county or municipality, the remaining ninety per cent of his bid, within twenty-four hours after its acceptance, the award to him of said franchise shall be set aside, and the deposit theretofore made by him shall be forfeited, and no further proceedings for a sale of said franchise shall be had unless the same shall be readvertised and again offered for sale, in the manner hereinbefore provided.

Sec. 6. Work to erect or lay telegraph or telephone wires, to construct street railroads, to lay gas pipes for the purpose of carrying gas for heat and power, to erect poles or wires for transmitting electric heat or power, along or upon any public street or highway, or to exercise any privilege whatever, a franchise for which shall have been granted in accordance with the terms of this act, shall be commenced in good faith within not more than four months from the granting of any such franchise, and if not so commenced within said time said franchise so granted shall be declared forfeited, and shall be completed within not more than three years thereafter, and if not so completed within said time said franchise so granted shall be forfeited; *provided*, that for good cause shown the governing or legislative body may by resolution extend the time for completion thereof, not exceeding three months.

Sec. 7. The successful bidder for any franchise or privilege struck off, sold, and awarded under this act shall file a bond running to said county, city and county, or city or town, with, at least, two good and sufficient sureties, to be approved by such governing body, in a penal sum by it to be prescribed, and set forth in the advertisement for bids, conditioned that such bidder shall well and truly observe, fulfill and perform each and every term and condition of such franchise, and that in case of any breach of con-

dition of such bond, the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with such governing body within five days after such franchise is awarded, and upon the filing and approval of such bond, the said franchise shall, by said governing or legislative body, be granted by ordinance to the person, firm or corporation to whom it has been struck off, sold, or awarded, and in case that said bond shall not be so filed, the award of such franchise shall be set aside, and any money paid therefor shall be forfeited, and said franchise shall, in the discretion of said governing or legislative body, be readvertised, and again offered for sale in the same manner, and under the same restrictions, as hereinbefore provided.

Sec. 8. It shall be the duty of the attorney-general, upon the complaint of any county or municipality, or, in his discretion, upon the complaint of any taxpayer, to sue for the forfeiture of any franchise granted under the terms of this act, for the noncompliance with any condition thereof.

Sec. 9. No clause or condition of any kind shall be inserted in any franchise or grant offered or sold under the terms of this act, which shall directly or indirectly restrict free and open competition in bidding therefor, and no clause or provision shall be inserted in any franchise offered for sale, which shall in any wise favor one person, firm or corporation, as against another, in bidding for the purchase thereof.

Sec. 10. Any member of any common council or other governing or legislative body of any county, city and county, city or town of this state, who, by his vote, violates or attempts to violate the provisions of this act, or any of them, shall be guilty of a misdemeanor, and may be punished therefor, as provided by law, and may be deprived of his office by the decree of a court of competent jurisdiction, after trial and conviction.

Sec. 11. All acts or parts of acts in conflict herewith are hereby repealed; *provided, however*, that nothing herein contained shall be construed as repealing, or amending the following acts, to wit: "An act relating to the granting by the counties and municipalities of franchise for the construction of paths and roads for the use of bicycles and other horseless vehicles," approved March twenty-seventh, eighteen hundred and ninety-seven; "An act to authorize

cities and towns to grant franchises for the construction and maintenance of railroads beyond the limits of such cities or towns leading to public parks owned thereby," being chapter forty of the laws of eighteen hundred and ninety-seven of the State of California.

This act shall take effect immediately.

ACT 1232.

To provide for the sale of street railroad and other franchises in municipalities. [Stats. 1901, p. 265.]

Amended 1903, 90.

This act appears in full in Civil Code, 1903, Appendix, p. 758.

See ante, Act 1229.

Supp. Cal. Rep. Cit. 142, 228.

ACT 1234.

Relating to granting by counties and municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles. [Stats. 1897, p. 191.]

See post, Act 1464.

FREE LIBRARIES.

ACT 1247.

An act to provide for the establishment and maintenance of public libraries within municipalities. [Stats. 1901, p. 557.]

Amended 1905, 296.

This act appears in full with the exception of the amendment of 1905, in General Laws, 1903, p. 429.

FUNDS.

ACT 1279.

Requiring the payment into the state treasury of all moneys belonging to the state, received by state institutions, commissions, and officers, and directing the disposition of the proceeds. [Stats. 1899, p. 110.]

Amended 1905, 382.

GAME LAWS.

ACT 1300.

To create the office of fish and game warden, and to prescribe the powers, duties, and salary of such officer. [Stats. 1895, p. 169.]

Amended 1905, § 19.

This act appears in full in Political Code, 1903, Appendix, p. 1089.

ACT 1315.

Sea-gulls at Santa Monica, protection of. [Stats. 1875-6, p. 287.]

Codified by amendment of Penal Code, 1905. See note to § 599, Penal Code Supp.

This act appears in full in Penal Code, 1903, p. 609.

ACT 1316.

To prevent capture and destruction of blue cranes. [Stats. 1889, p. 205.]

This act appears in full in the Appendix to the Penal Code, 1903, p. 608.

Codified by amendment of Penal Code, 1905. See note to § 599, Penal Code Supp.

GAS.

ACT 1342.

Concerning gas companies. [Stats. 1869-70, p. 815.]

This act related to the granting of franchises.

Supp. Cal. Rep. Cit. 139, 183.

GIFTS.

ACT 1356.

An act to authorize the several counties, cities and counties, cities and towns of the state, and the officers and boards of officers thereof, to receive property by gift, bequest, or devise, and to hold, manage and dispose of such property and the income and increase thereof. [Stats. 1881, p. 2.]

Codified by amendment of Civil Code, 1905. See note to § 1275, Civil Code Supp.

GOATS.

ACT 1367.

An act to prevent buck goats running at large. [Stats. 1877-8, p. 437.]

Codified by amendment of Penal Code, 1905. See note to § 597g, Penal Code Supp.

This act appears in full in General Laws, 1903, p. 446.

GOVERNOR.

ACT 1387.

Imposing certain duties on governor respecting rewards. [Stats. 1875-6, p. 855.]

Repealed by § 1547, Penal Code, as amended 1905.

This act authorized the governor to offer rewards. It appears in full in the Appendix to the Penal Code, 1903, p. 610.

HARBOR COMMISSIONERS.

ACT 1431.

Empowering the state board of harbor commissioners to insure against loss or damage by fire the property of the state located on the water-front of San Francisco. [Stats. 1901, p. 809.]

Amended 1905, 295.

This act appears in full with the exception of the amendment of 1905, in Political Code, 1903, Appendix, 1094.

ACT 1432.

Concerning the water-front of the city and county of San Francisco. [Stats. 1877-8, p. 263.]

Amended 1880, 10; 1889, 379; 1891, 233; 1895, 194; 1901, 627; 1905, 109. See Political Code, sec. 2524.

This act related to the jurisdiction of the harbor commissioners.

HIGHWAYS.

ACT 1449.

An act to provide for the formation of boulevard districts and the construction, maintenance and use of boulevards and defining the term boulevard.

[Approved March 22, 1905. Stats. 1905, p. 754.]

Section 1. Any portion of a county not contained in a boulevard district may be formed into a boulevard district under the provisions of this act, and when so formed shall be known and designated by the name and style of ——— boulevard district (using the name of the district), of ——— county (using the name of the county in which said district is located), and shall have the rights herein enumerated and such as may hereafter be conferred by law.

Sec. 2. A petition for the formation of such boulevard district (naming it) may be presented to the board of supervisors of the county wherein the district is proposed to be formed, which said petition shall be signed by not less than twenty-five freeholders, resident within the proposed district, and shall contain—

(1) The boundaries of the proposed district.

(2) The number of acres contained therein and the approximate value thereof and of the improvements thereon.

(3) A particular description of the boulevard which it is desired to lay out, open and construct.

(4) A request that an election be called within said district for the purpose of determining the question of the formation of said boulevard district and the building of the boulevard described in said petition. Such petition must also be accompanied by a map showing the location of said boulevard, and of said district with relation to the territory immediately contiguous thereto; also with a cross-section and profile of said proposed boulevard, together with specifications for the construction thereof, which said map shall be approved as to location of the boulevard and said cross-section, profile and specifications, as to manner of construction, by the county surveyor of the county in which said proposed district is located. There shall also be filed with said board of supervisors, at the time said petition is presented, a bond in the sum of not more than three hundred dollars, with two sufficient sureties, to be approved by said board, who shall each qualify in double the amount of the penal sum thereof, conditioned that they will pay the expense and cost of said election in an amount not exceeding the amount mentioned in said bond, as the penal sum thereof, in case such election shall fail to carry.

Sec. 3. Such petition must be presented at a regular meeting of said board of supervisors and they shall thereupon fix a time for hearing said petition, not less than twenty-one nor more than thirty days after the date of presentation thereof, and shall publish a notice of the fact that such petition has been filed (referring to the same on file with the clerk of the board of supervisors for further particulars) and giving the date and hour at which said petition will be heard, which said notice shall be published at least once a week for two consecutive weeks in some newspaper published and circulated in said proposed district; *provided*, that, if no newspaper be so published in said district, then said notice shall be so published in some newspaper published and circulated in the county in which said proposed district is located.

Sec. 4. Upon the day named for the hearing of said petition, the board of supervisors shall hear the same and may adjourn such hearing from time to time, not more than two weeks in all. On the final hearing, they shall make such changes in the proposed boundaries as they may find to be proper, and shall define and establish such boundaries. Any change made by the board of supervisors shall

not include any territory outside of the boundaries described in the petition until the board has given at least two weeks' notice of its intention to include such territory in said district, said notice to be given and published as herein provided for the notice of the hearing of said petition.

Sec. 5. The boundaries established by the board of supervisors shall be the boundaries of such boulevard district until the same shall be changed in the manner provided by law. But if it shall appear to the board that the boundaries of any such division have been incorrectly described, it shall direct the county surveyor to ascertain and report the correct description of the boundaries, in conformity with the orders of said board of supervisors, which said report must be filed within thirty days from the day of the making of such order. At the first regular meeting after the filing of said report, the board of supervisors shall ratify the same, with such modifications as they deem necessary, and the boundaries so established shall be the legal boundaries of such boulevard district.

Sec. 6. The board of supervisors thereupon, and not later than the first regular meeting after the establishment of said boundaries as hereinbefore provided, shall give notice of an election to be held in such proposed boulevard district for the purpose of determining whether such district shall be formed and said boulevard built as in said petition, maps, cross-sections, profiles and specifications described.

Sec. 7. Such notice must specify the time and place or places of holding the election, the amount of money proposed to be raised, and the purposes for which it is to be used, including a brief description of the proposed work and materials to be used, and referring to the map, profiles, cross-sections and specifications on file with the clerk of the board of supervisors.

Sec. 8. For the purposes of this election the board of supervisors shall establish, by order, one or more precincts within the boundaries of said district, and appoint one inspector, one judge and one clerk for each, to conduct the same, and said election must be held in all respects as near as practicable in conformity with the general election laws of the state. At such election the ballots shall contain the words "For the formation of said district and the

construction of said boulevard—Yes, No,” together with a square at the right of the word “Yes” and at the right of the word “No” in which the voter may stamp his ballot to indicate his choice. But no particular form of ballot other than above set forth need be used; nor shall any informality in conducting said election invalidate the same if the election shall have been otherwise fairly conducted.

Sec. 9. The officers of the election must certify the result of the election to the board of supervisors, giving the whole number of votes cast, the number for and the number against the formation of said boulevard district and the building of said boulevard, and if the majority of the votes cast are in favor of same, the board of supervisors must enter an order to that effect upon its minutes, declaring said district formed and that said boulevard shall be built, and the amount to be raised by taxation on the taxable property within said district, which said amount shall be in the aggregate not exceeding seventy-five per cent of the estimated cost of acquiring the right of way therefor and constructing said boulevard, as found in the estimates to be furnished by the county surveyor of said county; the balance, twenty-five per cent, to be paid out of the general road fund of the county; and the board of supervisors shall, at the time of fixing the amount of the county tax levy, levy a tax upon the taxable property in said district sufficient to pay said amount.

Sec. 10. The work provided for in this act to be done shall be by law contracted to the lowest responsible bidder in accord with the provisions of section 2643 of the Political Code of California. The successful bidder shall give a bond in such sum as the board of supervisors shall provide, conditioned for the faithful performance of the contract, together with any and all bonds required by law for public work. The work done under said contract to be performed under the direction and to the satisfaction of the surveyor of the county in which said boulevard district is located.

Sec. 11. Any money remaining to the credit of the boulevard district on the completion of the work contracted for, with any and all gifts and donations thereto, shall remain in the fund of the district and be expended in the betterment of said boulevard. The maintenance of the same, after the completion thereof, to be paid out of the general road fund of the county; *provided*, that the board of supervisors of the county in which said boulevard district is located may, as

now or hereafter provided by law, arrange with the department of highways or other lawful authority to turn said boulevard over to the State of California, and it shall thereafter be kept and maintained as a state boulevard out of the funds provided by law for state highway purposes, but subject at all times nevertheless to the limitations as to the use thereof hereinafter provided.

Sec. 12. By the term "boulevard" as used herein is meant a highway of limited dedication and use, not less than one hundred feet in width and upon which no wagon for heavy teaming, having a tire of less than four inches, shall be permitted, and upon, along and over which no franchise for telephone, telegraph or electric wires or poles or for the operation or running of cars or vehicles upon fixed tracks or rails thereon shall ever be granted; and any easement granted or condemned for the building of said boulevard shall be so granted or condemned; *provided*, that nothing herein shall be deemed to apply to or preventing the granting of such franchise or limiting the use of wagons across said boulevard, on, over and along intersecting streets and highways.

Sec. 13. All provisions of the law of the State of California relating to streets and highways, including the right of eminent domain, save only section 2 of an act of the legislature of the State of California entitled "An act to repeal chapter two of title six, part three, of an act of the legislature of the State of California, entitled 'An act to establish a Political Code,' approved March 12, 1872, and each and every section of said chapter two. And to enact a new chapter two of title six of part three of said code and substitute the same in place of said repealed chapter two in said code, relating to roads and highways," approved February 28, 1883, and also an act of the legislature of the State of California entitled "An act for the establishment of a uniform system of road government and administration in the counties of the State of California," approved April 1, 1897, not in conflict herewith are hereby made applicable to the opening, laying out and maintaining of boulevards constructed hereunder and the acquiring of rights of way therefor.

Sec. 14. The board of supervisors of the county in which said boulevard district is located shall have sole control of the management and affairs of said boulevard district.

ACT 1450.

An act to provide for the location and construction of a public highway from the General Grant Park in Fresno county; thence easterly a distance of about fifty miles to the Kings River canyon; and making an appropriation for the construction thereof; and providing for a commission to take charge of, locate and construct said highway, and to repeal an act entitled "An act to appropriate money for the survey, location and construction of a free wagon road from the town of Mariposa in Mariposa county to the Yosemite Valley," approved March 26, 1895. [Stats. 1905, p. 797.]

ACT 1464.

An act relating to the granting by counties and municipalities of franchises for the construction of paths and roads for the use of bicycles and other horseless vehicles. [Staats. 1897, p. 191.]

Codified by amendment to Civil Code, 1905. See note to § 524, Civil Code Supp.

HOMESTEADS.**ACT 1487.**

Alienating or incumbering. [Stats. 1873-4, p. 582.]

Codified by amendments to Civil Code, 1905. See note to § 1269a, Civil Code Supp.

This act appears in full in Civil Code, Appendix, 1903, p. 718. It provided for the alienation of the homestead in case of the insanity of either husband or wife.

HOMING PIGEONS.**ACT 1497.**

An act for the protection of the Antwerp messenger, or homing pigeon. [Stats. 1897, p. 37.]

Codified by amendments to Penal Code, 1905. See note to § 598a, Penal Code Supp.

This act appears in full in General Laws, 1903, p. 63.

HORTICULTURE.**ACT 1510.**

An act to provide for the proper naming of trees, seeds, plants, and vines, sold, offered, or exposed for sale in this state and providing a penalty for the violation of this act.

[Approved March 3, 1905. Stats. 1905, p. 44.]

Section 1. All trees, seeds, plants and vines, sold, offered or exposed for sale in the State of California shall be prop-

erly named as to variety and kind, and any person knowingly selling, trading, or exchanging, or offering or exposing for sale any trees, seeds, plants or vines falsely named as to variety and kind shall be guilty of a misdemeanor, and shall be liable to a fine of not less than ten dollars, nor more than three hundred dollars.

ACT 1511.

An act to provide for an investigation of the nature of the diseases known as pear blight and walnut blight and to prevent, eradicate, and procure a cure for the same and to cause to be prosecuted experimental and research work in the field of viticulture, directing publication of the results of such experiments and investigations, making an appropriation therefor and prescribing the duties of the controller and treasurer in relation thereto.

[Approved March 18, 1905. Stats. 1905, p. 124.]

Section 1. The regents and the president of the University of California are hereby directed to cause to be prosecuted with all possible diligence, in connection with and in addition to the work heretofore carried on by the agricultural experiment station, experimental and research work in the field of viticulture, including both cultural and industrial processes. They are directed to ascertain the adaptation of the various kinds of vines to the several climatic and soil conditions of the state, with the special reference to those stocks for propagating purposes, resistant to the phylloxera, and to further their adaptability and utility as grafting stocks for producing wine, raisin and table grapes. They are directed to ascertain the best methods of grafting and propagating said stocks and vines together with the most important methods of vinification and preparation, manufacture and application of yeasts in vinification and distillation. They are further directed to report upon the utilization of the by-products of the vineyard and winery, the study and treatment of the vine diseases, and all matters appertaining to the viticultural industry pertinent to the successful conduct of the business and that may be of general public interest, use and profit. They are further directed to publish the result of said experiments and investigations in form of bulletins from time to time, as may seem advisable and not less than two bulletins show-

ing the progress and result of the work, shall be issued in any fiscal year.

And they are further directed to inaugurate an investigation of the cause, nature, and means of suppression or prevention, of the so-called pear blight, a destructive, infectious disease of pear and apple trees. For such investigation, said director shall obtain and establish such assistants, equipment, materials, appliances, apparatus and other incidentals as may be necessary to the successful prosecution of the work, within the appropriation specified.

And they are further directed to secure a remedy for the so-called walnut blight. The said regents are hereby authorized to employ an expert and if necessary, to send him abroad to ascertain the cause of this blight and in an endeavor to secure a remedy therefor.

Sec. 2. There is hereby appropriated for the use of said experiment station, for the purposes set forth in this act, the sum of twenty thousand dollars (\$20000).

Sec. 3. All money appropriated under this act shall be paid to the regents of the University of California, and expended under the direction of the director of the agricultural experiment station of said university for the specific purposes herein named.

ACT 1513.

An act to create a state commission of horticulture, to provide for a state commissioner of horticulture, and prescribe his powers, duties and compensation, and to provide methods, means and penalties for the enforcement of such powers and duties, and appropriating money for the use and support and to pay the expenses thereof, and to repeal chapter sixty-three of the laws of eighteen hundred and eighty-three, chapter seven of the laws of eighteen hundred and eighty-five, chapter eighty-six of the laws of eighteen hundred and eighty-nine, and chapter one hundred and ninety-four of the laws of eighteen hundred and ninety-one. [Stats. 1903, 524.]

Amended 1905, 496.

This act appears in full with the exception of the amendment of 1905, in General Laws, 1903, p. 464.

ACT 1515.

An act to promote the horticultural interests of the state by providing county boards of horticulture, and re-

pealing the act entitled "An act to protect and promote the horticultural interests of the state," approved March 14, 1881, and certain acts amendatory thereof, approved March 19, 1889, and March 31, 1891. [Stats. 1897, p. 244.]

Amended 1905, 297.

This act appears in full, with the exception of the amendment of 1905, in General Laws, 1903, p. 471.

HOURS OF LABOR.

ACT 1534.

Limiting the hours of daily services of laborers, workmen and mechanics employed upon the public works of or work done for the state of California, or any political subdivision thereof, providing for the insertion of certain stipulations in contracts for public works, imposing penalties for violations of the provisions of this act, and providing for the enforcement thereof. [Stats. 1899, p. 149.]

Superseded by 1901, 561.

Superseding act appears in full in General Laws, 1903, p. 473.

Supp. Cal. Rep. Cit. 142, 104.

ACT 1536.

An act limiting the hours of service of laborers, workmen, and mechanics employed upon the public works of, or work done for, the state of California, or of, or for any political subdivision thereof; imposing penalties for violation of the provisions of said act, and providing for the enforcement thereof. [Stats. 1903, p. 119.]

Codified by amendment of Penal Code, 1905. See note to § 653c, Penal Code Supp.

This act appears in full in General Laws, 1903, p. 480.

INCLOSURES.

ACT 1593.

Preventing persons passing through inclosures and leaving them open by tearing down fences or otherwise, and to prevent hunting upon inclosed lands. [Stats. 1875-6, p. 408.]

Many of the sections of this act were codified by amendments to the Penal Code, 1905. See notes to §§ 384b, 384c, 602, Penal Code Supp.

INFANTS.

ACT 1611.

An act regulating the employment and hours of labor of children—prohibiting the employment of minors under certain ages—prohibiting the employment of certain illiterate minors—providing for the enforcement hereof by the commissioner of the bureau of labor statistics and providing penalties for the violation hereof.

[Approved February 20, 1905. Stats. 1905, p. 11.]

Section 1. No minor under the age of eighteen shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment, or other place of labor, more than nine hours in one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-four hours in a week.

Sec. 2. No minor under the age of sixteen years shall be employed or permitted to work in any mercantile institution, office, laundry, manufacturing establishment, or workshop, between the hours of ten o'clock in the evening and six o'clock in the morning.

No child under fourteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages.

Provided that the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, then any judge of the superior court of the county, or city and county in which such child resides, shall have authority to issue a permit to work to any such child over the age of twelve years, upon a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacitated for labor, through illness, and after investigation by a probation officer or truant officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or truant officers, then by such other competent persons as the judge may designate for this purpose. The permit so issued shall

specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file by the person, firm or corporation employing the child therein designated, during the term of said employment, and shall be given up to said child upon his quitting such employment. Such certificate shall be always open to the inspection of the truant and probation officers of the city and county, city or county, in which the place of employment is situated or of the officers of the state bureau of labor statistics.

And provided that any such child, over the age of twelve years, may be employed at any of the occupations mentioned in this act during the regular vacation of the public schools of the city, county, or city and county in which the place of employment is situated, upon the production of a permit signed by the principal of the school which such child has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued.

No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

Sec. 3. Every person, firm, or corporation employing minors under eighteen years of age, in any manufacturing establishment, shall post, and keep posted, in a conspicuous place in every room where such help is employed, a written or printed notice stating the number of hours per day for each day of the week required of such persons.

Every person, firm, corporation, agent or officer of a firm or corporation employing or permitting minors under sixteen years and over fourteen years of age to work in any mercantile institution, office, laundry, manufacturing estab-

lishment, workshop, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors, and shall have on file a certificate of age and schooling, as provided in this act, for every such minor so employed, said record and certificate to be open at all times to the inspection of those whose duty it is to enforce the provisions of the act.

An age and schooling certificate shall be approved only by the superintendent of schools of the city or city and county, or by a person authorized by him, in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees; *provided*, that the superintendent or principal of any school of recognized standing shall have the right to approve an age and schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided, for children attending such schools. The persons authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fee shall be charged for issuing such certificates.

An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the public register of birth of such child, or in some other manner, that such child is of the age stated in the certificate.

A duplicate copy of each age and schooling certificate granted under the provisions of this act shall be kept by the person issuing such certificate, such copy to be filed with the county superintendent of schools in the county where the certificate was issued, *provided* that all such copies of certificates issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year, and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each year. Such certificate shall be substantially in the following form, to wit:

Age and Schooling Certificate.

This certifies that I am the (father, mother, or guardian) of (name of child), and that (he or she) was born at (name of town or city), in the county of (name of county) (if

known) and state (or country) of (name), on the (day and year of birth), and is now (number of years and of months) old.

Signature as provided in this act.

Town or city, and date.

There personally appeared before me the above named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child) height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) can or can not read English at sight, and can or can not write legibly simple sentences in the English language.

Signature of the person authorized to sign, with his official character and authority.

Town or city, and date.

This certificate belongs to the person in whose behalf it is drawn, and it shall be surrendered to (him or her) whenever (he or she) leaves the services of the person, firm, or corporation holding the same.

The certificate as to the birthplace and age of the minor under sixteen and over fourteen years of age shall be signed by his father, his mother, his guardian; if a child has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same.

Every person authorized to sign the certificate prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than five nor more than fifty dollars, or imprisoned not more than thirty days, or by both such fine and imprisonment.

Sec. 4. Any person, firm, corporation, agent, or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this act, or that employs, or suffers, or permits any minor to be employed in violation thereof, is guilty of a misdemeanor and shall, on conviction thereof be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure

to produce any age and schooling certificate or permit, or to post any notice required by this act, shall be *prima facie* evidence of the illegal employment of any person whose age and schooling certificate or permit is not produced, or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city and county, in which the offense occurred.

Sec. 5. Nothing in this act shall be construed to prohibit the employment of minors at agricultural, horticultural, viticultural or domestic labor, during the time the public schools are not in session, or during other than school hours.

Sec. 6. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. But any person may lay an information before a magistrate of the commission of any public offense defined in this act.

Sec. 7. This act shall take effect sixty days after its passage.

ACT 1616.

For the protection of children, and to prevent and punish certain wrongs to children. [Stats. 1877-8, p. 812.]

Codified by amendments to both the Civil and Penal Codes, 1905. See notes to § 607, Civil Code Supp., and § 272, Penal Code Supp.

This act prevented minors under sixteen from entering saloons and prevented anyone from using children for purposes of beggary. It appears in full in the Appendix to the Penal Code, 1903, p. 617.

ACT 1617.

Relating to children. [Stats. 1877-8, p. 813.]

Codified by amendments to both the Civil and Penal Codes, 1905. See notes to § 607, Civil Code Supp., and § 272, Penal Code Supp.

This act prevented the selling or apprenticing of children for immoral purposes. It appears in full in the Appendix to the Penal Code, 1903, p. 614.

ACT 1618.

For the incorporation of societies for the prevention of cruelty to children. [Approved April 3, 1876. Stats. 1875-6, p. 830.]

Codified by amendments of Civil Code, 1905. See note to § 607, Civil Code Supp.

This act appears in full in the Appendix to the Penal Code, 1903, p. 612.

ACT 1622.

Orphan and abandoned children, care of. [Stats. 1873-4, p. 297.]

Amended 1877-8, 82.

Codified by amendments of Civil Code, 1905. See note to § 246, Civil Code Supp.

This act provided for the publication of notices of children admitted, and inflicted a penalty for abandonment of children.

INSANE.**ACT 1643.**

To establish a state lunacy commission, to provide a uniform government and management of the state hospitals for the insane, and to provide for the care, custody, and apprehension of persons believed to be insane, and the commitment of insane persons, and providing for the transfer of unexpended appropriations of moneys and properties. [Stats. 1897, p. 311.]

Amended 1899, 160; § 19 repealed 1900, 22.

Codified by amendment of Civil Code, 1905. See note to § 258, Civil Code Supp.

Probably superseded by §§ 2186-2199, Political Code, as adopted in 1903, establishing a state commission in lunacy, etc.

Supp. Cal. Rep. Cit. 138, 491.

INSOLVENCY.**ACT 1654.**

For the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors. [Stats. 1895, p. 131.]

Amended 1897, 35. Superseded by the federal law on the subject.

Supp. Cal. Rep. Cit. 138, 742.

INSURANCE.**ACT 1664.**

Relating to life, health, accident, and annuity or endowment insurance on the assessment plan, and the conduct of business of such insurance. [Stats. 1891, p. 126.]

Codified by amendments of Civil Code, 1903. See note to § 453d, Civil Code Supp.

This act appears in Civil Code, 1903, Appendix, p. 724.

Supp. Cal. Rep. Cit. 138, 679; 138, 680; 138, 681.

INTEREST.

ACT 1673.

An act fixing the rates of interest and charges on loans upon chattel mortgages on certain personal property, and prescribing penalties for the violation of the act.
[Approved March 20, 1905. Stats. 1905, p. 422.]

Section 1. It shall not be lawful for any individual, partnership, association or corporation lending money upon chattel mortgages, where there is taken for such loan any security upon any upholstery, furniture or household goods, oil paintings, pictures or works of art, pianos, organs or sewing-machines, iron or steel safes, professional libraries or office furniture or fixtures, instruments of surveyors, physicians or dentists, printing presses or printing material, to have or charge for the use of money so loaned more than the rate of one and one half per cent per month interest thereon, and that no additional sum, either in the way of bonus or otherwise, shall be required or exacted of the borrower or borrowers; *and further*, that no charge for examination or valuation of property offered, insurance of same, and preparation, execution and recording of necessary papers shall be imposed, except as follows: For examination or valuation of property offered for mortgage and preparation of papers (both included), no greater sum than five (\$5.00) dollars where the amount loaned does not exceed three hundred (\$300.00) dollars. For necessary affidavits, recording of papers, and fire insurance premiums, the amounts actually to be paid for same, *provided* that the foregoing charges may be deducted from the principal of the loan when the same is made; *and provided further*, that in no case shall it be lawful to deduct interest in advance, nor make any charge for extensions of loans, nor to divide or split up loans under any pretense whatsoever for the purpose of requiring or exacting any other or greater charges than prescribed herein.

Sec. 2. Any individual and any officer of any association or corporation, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and shall be fined \$100.00 for the first offense, and a like fine and imprisonment in the county jail for thirty days for the second and each subsequent offense; *and further*, the mortgage or other instrument of security given for any loan shall become null and void as to the interest to be paid thereunder.

INTERPRETERS.

ACT 1679.

In relation to interpreters before grand jury. [Stats. 1871-2, p. 540.]

Codified by amendment of Penal Code, 1905. See note to § 925, Penal Code Supp.

This act appears in full in the Appendix to the Penal Code, 1903, p. 619.

INTOXICATING LIQUORS.

ACT 1688.

To prevent the sale of intoxicating liquors to minor children. [Stats. 1891, p. 91.]

This act appears in the Penal Code, 1903, Appendix, p. 619.
Probably superseded by Penal Code, § 397b, adopted 1905.

ACT 1689.

To prevent the selling, giving, or delivering intoxicating liquors to minor children, and to prevent minor children visiting saloons or public houses where intoxicating liquors are sold. [Stats. 1903, p. 319.]

Codified by amendment of Penal Code, 1905. See note to § 397b, Penal Code Supp.

This act appears in full in Penal Code, 1903, Appendix, p. 620.

ACT 1690.

To prevent the sale of intoxicating beverages on election day. [Stats. 1873-4, p. 297.]

Codified by amendment of Penal Code, 1905. See note to § 563b, Penal Code Supp.

This act appears in full in Penal Code, 1903, Appendix, p. 622.

ACT 1691.

To prohibit the sale of intoxicating liquors in the state capitol building. [Stats. 1880, p. 80.]

Codified by amendment of Penal Code, 1905. See note to § 172, Penal Code Supp.

This act appears in full in Penal Code, 1903, Appendix, p. 623.

ACT 1692.

To prevent the sale of intoxicating liquors in the immediate vicinity of soldiers' home. [Stats. 1895, p. 161.]

Codified by amendment of Penal Code, 1905. See note to § 172, Penal Code Supp.

See, also, post, Act 1693.

This act appears in full in Penal Code, 1903, Appendix, p. 622.

ACT 1693.

An act to prohibit the sale of intoxicating liquors within a certain distance of the Veterans' Home located at Yountville, Napa county.

[Approved March 18, 1905. Stats. 1905, p. 126.]

Section 1. It shall not be lawful for any person to keep any saloon or bar, or sell or offer for sale any spirituous, vinous or malt liquors, within one mile and a half of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa county, State of California; and any person violating the provisions of this statute shall be guilty of a misdemeanor, and for each offense shall be punished by imprisonment in the county jail for not exceeding six months, or by fine not less than \$50 nor more than \$500; and in the case of the non-payment of such fine such person may be imprisoned in the county jail at the rate of one day for each two dollars of said fine remaining unpaid.

Sec. 2. This act shall take effect October first, 1905.

ACT 1694.

An act to prohibit the sale of intoxicating liquors within a certain distance of the Mendocino State Hospital for the Insane.

[Approved February 24, 1905. Stats. 1905, p. 20.]

Section 1. It shall not be lawful for any person to keep any saloon or bar, or sell or offer for sale any spirituous, vinous or malt liquors, within one mile of the asylum building of the Mendocino State Hospital for the Insane near Ukiah, in the county of Mendocino, State of California; and any person violating the provisions of this statute shall be guilty of a misdemeanor, and for each offense shall be punished by imprisonment in the county jail for not exceeding six months, or by fine not less than \$50 nor more than \$500; and in case of the non-payment of such fine such person may be imprisoned in the county jail at the rate of one day for each two dollars of said fine remaining unpaid.

IRRIGATION.**ACT 1717.**

To provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water for irrigation purposes. [Stats. 1887, p. 29.]

Amended 1889, 15; 1891, 142, 147, 244; 1893, 175, 516; 1897, 241; 1899, 2. Supplemented 1889, 18, 21, 212; 1893, 276, 520; 1895, 127, 174; 1897, 254, 394. Repealed 1897, 254.

Supp. Cal. Rep. Cit. 140, 345; 140, 346; 140, 541; 140, 542; 140, 543; 142, 604; 142, 605; 142, 606; 142, 607; 144, 332; 144, 333; 144, 334; 144, 335; 144, 727; 144, 731; 144, 736; 144, 737.

ACT 1720.

Supplemental to an act entitled "An act to provide for the organization and government of irrigation districts, and to provide for the acquisition of water and other property, and for the distribution of water thereby for irrigation purposes," approved March 7, 1887, and to provide for the examination, approval, and confirmation of proceedings for the issue and sale of bonds issued under the provisions of said act. [Approved March 16, 1889. Stats. 1889, p. 212.]

Repealed by act of 1897, 254, so far as inconsistent therewith. See §§ 63-73, act of 1897.

Supp. Cal. Rep. Cit. 140, 486; 142, 605; 142, 606.

ACT 1726.

An act to provide for the organization and government of irrigation districts, and to provide for the acquisition or construction thereby of works for the irrigation of the lands embraced within such districts, and, also, to provide for the distribution of water for irrigation purposes.

[Approved March 31, 1897. Stats. 1897, p. 254.]

Amended 1901, 815; 1905, 27.

§ 78 amended 1905, p. 27.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 500.

JUTE GOODS.

ACT 1764.

Fixing the price and conditions of sale at which jute goods shall be sold by the state. [Stats. 1893, p. 54.]

Amended 1905, 532.

JUVENILE COURT.

ACT 1769.

An act to amend an act entitled, "An act defining and providing for the control, protection and treatment of dependent and delinquent children; prescribing the powers and duties of courts with respect thereto; providing for the appointment of probation officers, and prescribing their duties and powers; providing for the separation of children from adults when confined in jails or other institutions; providing for the appointment of boards to investigate the qualifications of organizations receiving children under this act, and prescribing the duties of such boards; and providing when proceedings under this act shall be admissible in evidence." Approved February 26, 1903.

[Approved March 22, 1905. Stats. 1905, p. 306.]

Section 1. The title of said act is amended so as to read as follows: "An act defining and providing for the control, protection and treatment of dependent and delinquent children; defining such children; prescribing the powers and duties of courts in respect thereto; providing for the creation and appointment of probation officers, and prescribing their duties, powers, terms of office and compensation; providing for the commitment and confinement of such children; providing for the creation and appointment of boards, to be known as probation committees; to investigate the qualifications of organizations receiving children under this act; and prescribing the powers and duties of such boards, with respect to probation officers and otherwise, and prescribing the terms of office of the members of such boards; providing for the powers of courts and judges with respect to the appointment of probation officers and removal of same, and with respect to probation committees and members thereof; and providing when proceedings under this act shall be admissible in evidence."

Sec. 2. Section 1 of said act is hereby amended so as to read as follows:

Section 1. This act shall apply only to children under the age of sixteen years not now or hereafter inmates of a state institution. For the purposes of this act the words "dependent child" shall mean any child under the age of sixteen years who is found begging, or receiving or gathering alms (whether actually begging or under the pretext

of selling or offering for sale anything), or being in any street, road, or public place for the purpose of so begging, gathering or receiving alms; or who is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence; or who is found destitute, or whose home, by reason of neglect, cruelty or depravity on the part of either of its parents or of its guardian, or other person in whose care it may be, is an unfit place for such child; or who frequents the company of reputed criminals or prostitutes, or who is found living or being in any house of prostitution or assignation, or who habitually visits, without parent or guardian, any saloon, or place where any spirituous liquors or wine, or intoxicating or malt liquors are sold, exchanged, or given away, or who is incorrigible, or who is a persistent truant from school. The words "delinquent child" shall include any child under the age of sixteen years who violates any law of this state, or any ordinance of any town, city, county, or city and county of this state.

Sec. 3. Section 2 of said act is hereby amended to read as follows:

Section 2. In counties having more than one judge of a superior court, the judges of such court may from time to time designate one or more of their number whose duty it shall be to hear all cases coming under this act. In counties of the first class, such designation shall be made by the presiding judge. The orders and findings, if any, of the superior court, in all cases coming under the provisions of this act, shall be entered in a book to be kept for that purpose and known as the "Juvenile Record," and the court acting under this act shall be called the "Juvenile Court." In justices' courts having more than one justice of the peace, and in police courts having more than one judge, the justices of the peace and the judges of the police courts, from time to time may designate one of their respective number whose duty it shall be to hear all cases coming under this act. All cases coming under the provisions of this act shall be heard at a special separate session of the court, and no matter other than cases under this act shall be on the calendar, or shall be heard at such session, nor shall there be permitted to be present at such session any person on trial, or awaiting trial, or under accusation of crime, who does not come under the provisions of this act.

Sec. 4. Section 3 of said act is hereby amended to read as follows:

Section 3. Any citizen of the state may file with the clerk of the superior court a petition showing that there is within the county, or residing within the county, a dependent child, and praying that the superior court deal with such child as provided in this act. Such petition shall be verified, and shall contain a statement of the facts constituting such dependency as provided in section one of this act. There shall be no fee for filing said petition.

Sec. 5. Section 4 of said act is hereby amended to read as follows:

Section 4. Upon the filing of the petition, provided for in section three hereof, a citation shall issue, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the citation. Service of such citation must be made at least twenty-four hours before the time stated therein. The parents or guardian of the child, if residing in the county in which the court sits, and if their places of residence be known to the petitioner, or if there be neither parent nor guardian so residing, or if their places of residence be not known to petitioner, then some relative of the child, if there be any residing in said county, and if his residence and relationship to such child be known to petitioner, shall be notified of the proceedings by service of citation requiring them to appear at the time and place to be stated in such citation. In any case, the judge may appoint some suitable person to act in behalf of the child, and may order such further notice of the proceeding to be given as he may deem proper. If any person cited as herein provided, shall fail, without reasonable cause, to appear and abide by the order of the court, or to bring the child, if so required in the citation, such failure shall constitute a contempt of said court and may be punished as provided for in cases of contempt of court. In case any such citation cannot be served, or the party served fails to obey the same, and in any case in which it shall be made to appear to the court that such citation will be ineffectual, a warrant of arrest may issue on the order of the court, either against the parent or guardian, or the person having the custody of the child, or with whom the child may be, or against the child itself, or any of said persons; or

if there be no person to be served with citation as above provided, a warrant of arrest may be issued against the child immediately. On the return of the citation or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Until the final disposition of any case, the child may be retained in the possession of the person having charge of the same, or may be kept, upon the order of the court, in some suitable place, provided by the county, or city and county, or may be held otherwise, as the court may direct.

Sec. 6. Section 5 of said act is hereby amended to read as follows:

Section 5. When any child under the age of sixteen years shall be found by said court or judge or justice to be dependent, within the meaning of this act, the court may make an order committing the child, for such time during its minority as the court may deem fit, to the care of some reputable citizen of good moral character, or to the care of some association, society or corporation willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, or to the care of the probation officers or other person to remain in the home of the child. The court may thereafter set aside, change or modify such order.

Sec. 7. Section 6 of said act is hereby amended to read as follows:

Section 6. The judge of the superior court in and for each county or city and county of the state, or where there are more than one judge of said court, a majority of the judges thereof by an order entered in the minutes of such court, shall appoint seven discreet citizens of good moral character, and of either sex, to be known as probation committee, and shall fill all vacancies occurring in such committee. The clerk of said court shall immediately notify each person appointed on said committee and thereupon said persons shall appear before the judge of said juvenile court, if there be one, or otherwise before a judge of said superior court in said county and qualify by taking oath, to be entered in said juvenile record, if any, or in the minutes of said superior court, to faithfully perform the duties of a member of such probation committee.

Sec. 8. Section 7 of said act is hereby amended to read as follows:

Section 7. The members of such probation committees shall hold office for four years, and until their successors are appointed, *provided*, that of those first appointed, one shall hold office for one year, two for two years, two for three years, and two for four years, the terms for which the respective members first appointed shall hold office to be determined by lot as soon after their appointment as may be. When any vacancy occurs in any probation committee by expiration of the term of office of any member thereof, the successor shall be appointed to hold for the term of four years; when any vacancy occurs for any other reason, the appointee shall hold for the unexpired term of his predecessor.

Sec. 9. Section 8 of said act is hereby amended to read as follows:

Section 8. The members of the probation committee shall serve without compensation.

Sec. 10. Section 9 of said act is hereby amended to read as follows:

Section 9. The superior court or any judge thereof may at any time require said probation committee or a probation officer to examine into the qualifications and management of any society, association or corporation, other than a state institution, applying to receive any child or children under this act, and to report to the court, *provided* that nothing in this section shall be construed as giving any probation committee or probation officer any power to enter any institution without the consent of such institution.

It shall be the duty of each probation committee prior to December first in each year to prepare a report in writing on the qualifications and management of all societies, associations and corporations, except state institutions, applying for or receiving any child under this act from the courts of their respective counties, and in said report said committee may make such suggestions or comments as to them may seem fit; said report to be filed in the office of the clerk of the court appointing such committee, for the information of the judges thereof.

Sec. 11. Section 10 of said act is hereby amended to read as follows:

Section 10. In counties of the first class there shall be one probation officer and not more than five deputy probation officers; in counties of the second class, one probation

officer and not more than one deputy probation officer; in all other counties there shall be one probation officer.

In any county or city and county additional deputy probation officers may be appointed and their appointment approved or disapproved as hereinafter provided, from time to time when in the opinion of the court it may be necessary, provided that they serve without salary.

Sec. 12. Section 11 of said act is hereby amended to read as follows:

Section 11. The salaries of the probation officers and deputy probation officers (except as herein otherwise provided) shall be as follows, and shall be paid out of the county treasury of the county for which they are appointed, after being allowed and audited in the same manner as the salaries of other county officers:

In counties of the second class the probation officer shall receive \$125 per month, and the deputy probation officer seventy-five dollars per month. In all other counties, the probation officer and the deputy probation officers shall serve without compensation, *provided, however*, that the probation officer and deputy probation officers in all the counties of the state shall be allowed such necessary incidental expenses as may be authorized by a judge of the superior court; and the same shall be a charge upon the county in which the court appointing them has jurisdiction, and the said expenses shall be paid out of the county treasury upon a warrant therefor issued by the said court.

Sec. 13. Section 12 of said act is hereby amended to read as follows:

Section 12. The offices of probation officer and deputy probation officer are hereby created. The appointments of probation officers and deputy probation officers to serve hereunder in any county or city and county shall be made by the probation committee of said county or city and county from discreet citizens of good moral character. The appointments by each probation committee shall be made in writing, signed by a majority of the members of such committee, and filed with the county clerk of such county, and shall be subject to and shall take effect upon approval by the judge of the superior court appointing such committee, or by a majority of the judges thereof if there be more than one; such approval to be by order entered in the minutes of said court. The term of office of probation officers and of deputy probation officers shall be two years

from the date of the said approval of their several appointments, such probation officers and deputy probation officers may at any time be removed by the judge approving their appointment in his discretion.

Sec. 14. Section 13 of said act is hereby amended to read as follows:

Section 13. It shall be the duty of the clerk of any court before which a child is brought under the provisions of this act, or if there be no clerk, then it shall be the duty of the judge or justice of said court, before the hearing of said matter, to notify the probation officer of the county thereof; except in cases where the child is brought before the court by a society, association or corporation which embraces within its objects the care of dependent or delinquent children and which has in the last report thereon by the probation committee of such county been favorably passed upon.

Sec. 15. A new section is hereby added to said act to be designated section 14, and to read as follows:

Section 14. The probation officer or deputy probation officer detailed by him for that purpose, shall inquire into the child's antecedents, character, history, family environment and cause of delinquency or dependency, and shall make his report in writing to the judge or justice in the case of every child to be dealt with under the provisions of this act as a dependent or delinquent child; but only when the judge so specially orders it in the case of a dependent child who is already in the charge of a society, association or corporation which embraces within its objects the care of dependent children and which has in the last report thereon by the probation committee of such county been favorably passed upon. In the event that such a society, association or corporation shall be so in charge, it shall through its agent or superintendent make such report to the judge in place of the probation officer.

It shall be the duty of said probation officer or said deputy probation officer or said agent or superintendent of such society, association or corporation to be present in court in order to represent the interests of the child when the case is heard, and to furnish to the court such information and assistance as it may require and to make the said report at such time; and to take such charge of the child before and after the hearing as may be ordered.

The probation officer and each deputy probation officer shall have as to any child committed to the care of such probation officer, the powers of a police officer. At any time in his discretion such officer or deputy may bring such child before the court committing such child to his care, for such further or other action as the court may see fit.

Any of the duties of the probation officer may be performed by a deputy probation officer, and shall be performed by him whenever detailed to perform the same by the probation officer; and it shall be the duty of the probation officer to see that the deputy probation officer performs his duties.

Sec. 16. A new section is hereby added to said act, to be designated as section 15, and to read as follows:

Section 15. If any child is arrested and taken before a justice of the peace or police judge, then at any time before the child is found delinquent and a commitment thereunder issues, it may be detained under order of the court in any detention home provided for that purpose by any county or city and county; or it may be otherwise provided for as the court sees fit in any manner provided herein for the care of a child after the finding of its delinquency. If, after a hearing, any child shall be found to be delinquent by such court, the justice of the peace or police judge may continue the further hearing from time to time, and may, at any time commit the child to the care and custody of a probation officer and may allow such to remain in the home of such child, subject to the visitation of a probation officer, and such child shall report to the probation officer as often as may be required and be subject to be returned to the court for further proceedings whenever such action may appear to be necessary or desirable. If the justice of the peace or police judge at any time deems it necessary or to the best interests of the child that he should be committed to a state reform school or to the care or custody of some association, society or corporation embracing in its objects the care of neglected, dependent, or delinquent children, or should be placed in a suitable family home, or that a guardian should be appointed for such child, the justice of the peace or police judge shall certify the case with a transcript of the docket or other record to the clerk of the superior court of the county or city and county in which the justices' court or

police court is held, and the officer having the child in charge shall take the child before the superior court, and thereupon the superior court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court on petition as herein provided for dependent children. In such case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

Sec. 17. A new section is hereby added to said act, to be designated as section 16, and to read as follows:

Section 16. In the case of a child alleged to be delinquent, within the meaning of this act, and brought before the superior court at any time before the child is found delinquent and a commitment thereunder issues, it may be detained under order of the court in any detention home provided for that purpose by any county or city and county; or it may be otherwise provided for as the court sees fit in any manner provided herein for the care of a child after the finding of its delinquency. If the court find the child to be delinquent, said court may continue the hearing from time to time, and may at any time commit the child to the care or custody of the probation officer, and may allow such child to remain in the home of such child, subject to the visitation of a probation officer, and such child shall report to the probation officer as often as may be required, and be subject to be returned to the court for further proceedings whenever such action may appear necessary or desirable, or the court may commit the child to the care or custody of the probation officer, to be placed in a suitable family home, subject to the supervision of such probation officer and the further order of the court, or it may authorize the probation officer to board out the child in some suitable family home in case provision is made by voluntary contribution, or otherwise, for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment; or the court may commit the child for such time during its minority, as the court may deem fit, to the care and custody of some association, society or corporation that will receive it, embracing within its objects the care of dependent or delinquent children; or the court may commit such child to a state reform school, as is now, or may

hereafter be provided by law in accordance with the procedure provided by law for such commitment. *Provided, further*, that should the legislative body of the county, or city and county, or of a municipality, provide a suitable place for the detention of said dependent and delinquent children, which they are hereby authorized to do, such children may be committed thereto after the adjudication of dependency or delinquency for a definite period to be specified in such order. The court may thereafter set aside, change or modify such order, and may provide for a further detention in said place. Any order providing for the custody of a dependent or delinquent child may provide that the expense of maintenance of said child shall be paid by the parent or parents, or guardian, of said child, and in such case shall determine the amount so to be paid, and shall determine whether or not the parent or parents shall exercise any control over said child and the extent thereof, and any disobedience of such order or interference with the custody of the child as therein determined by a parent or guardian having notice of the proceedings or of the order shall constitute a contempt of court. The court may thereafter set aside, change or modify any order herein provided for.

Sec. 18. A new section is hereby added to said act, to be designated as section 17, and to read as follows:

Section 17. No court or magistrate shall commit a child under twelve years of age to jail, prison or police station, but if such child is unable to give bail, it may be committed to the care of the sheriff, police officer, constable or probation officer, who shall keep such child in some suitable place provided by the city, county, or city and county, outside of the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts or prisoners are sentenced or where adults are confined, it shall be unlawful to confine such child in the same room or yard or enclosure with such adult convicts or prisoners, or to permit such child to come or remain within sight of or meet or come into or remain in the presence of any such adult convicts or prisoners.

Sec. 19. A new section is hereby added to said act, to be designated as section 18, and to read as follows:

Section 18. Nothing in this act shall be construed to repeal any portion of the act entitled "An act to establish

a state reform school for juvenile offenders, and to make an appropriation therefor," approved March 11, 1889, or any of the amendments thereto, or the act entitled "An act to establish the California Home for the Care and Training of Feeble-Minded Children, and provide for the maintenance of the same," approved March 18, 1885, or any of the amendments thereto, or the act entitled "An act to establish a school of industry, and provide for the maintenance and management of the same and to make an appropriation therefor," approved March 11, 1889, or any of the amendments thereto; and in all commitments to said institutions, the acts in reference to said institutions shall govern the same.

Sec. 20. A new section is hereby added to said act, to be designated as section 19, and to read as follows:

Section 19. No record of or testimony concerning any proceedings against any child under this act shall be admissible as evidence against such child in any other court or proceeding, except in proceedings under this act, and except in guardianship or adoption proceedings relating to said child.

Sec. 21. A new section is hereby added to this act, to be designated as section 20, and to read as follows:

Section 20. This act shall be liberally construed, to the end that its purpose may be carried out, to wit—that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can be properly done, the child be placed in an approved family, with people of the same religious belief and become a member of the family by legal adoption, or otherwise. In this act, words used in any gender shall include all other genders, and the word "county" shall include "city and county."

Sec. 22. A new section is hereby added to this act, to be designated as section 21, and to read as follows:

Section. 21. All acts and parts of acts inconsistent with this act are hereby repealed, except as hereinabove provided in section 19.

LABOR BUREAU.

ACT 1827.

An act directing the commissioner of the bureau of labor statistics to collect certain statistics, and present them

in biennial reports, and making it the duty of certain officers to furnish such statistics in compliance with the provisions of this act.

[Approved March 18, 1905. Stats. 1905, p. 109.]

Section 1. The commissioner of the bureau of labor statistics is hereby directed, in addition to his other duties, to collect and present in his biennial report to the legislature, statistics relating to marriage, divorce, and crime.

Sec. 2. It is hereby declared to be the duty of all officers of each respective county, city, or city and county, in addition to their other duties, whose duty it is to keep a record of marriage, divorce, or crime, and they must furnish to the commissioner of the bureau of labor statistics, upon his request, whatever data it may be necessary for said commissioner to acquire in complying with the provisions of section one of this act.

Sec. 3. This act shall take effect and be in force immediately upon its passage and approval.

LAKES.

ACT 1858.

An act authorizing the United States government to lower the water levels of any or all of the following lakes: Lower or Little Klamath lake, Tule or Rhett lake, Goose lake, and Clear lake, situated in Siskiyou and Modoc counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all right, title, interest or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the state. [Approved February 3, 1905. Stats. 1905, p. 4.]

LAKE TAHOE.

ACT 1859.

An act to provide for the construction of permanent bridge work on the Lake Tahoe wagon road, a state highway, and making an appropriation therefor. [Approved March 22, 1905. Stats. 1905, p. 796.]

LEVEE DISTRICTS.

ACT 1913.

An act to provide for the formation of levee districts in the various counties of this State, and to provide for the erection of levees, dikes and other works for the purpose of protecting the lands within such districts from overflow and to levy assessments to erect and construct and maintain such levees, dikes and other works and to pay the necessary costs and expenses of maintaining said districts.

[Approved March 20, 1905. Stats. 1905, p. 527.]

Section 1. Whenever the board of supervisors of any county in this state shall receive a petition signed by a majority of the land owners within any portion of said county, accompanied by a deposit sufficient to cover the cost of publication of all notices required by the first two sections of this act, which said portion of said county shall be specifically described and set out by metes and bounds in said petition, asking that said portion of said county be set apart and erected into a levee district for the purpose of protecting the lands embraced in said portion of said county from overflow from any river, stream or streams, or water course, the board of supervisors shall pass a resolution signifying its intention to erect and set apart said portion of said county into a levee district, for the purpose of protecting the lands therein from overflow and describing the exterior boundaries of the district of lands embraced therein and to be assessed to pay the damages, costs and expenses thereof. Such resolution shall also contain a notice to be published, which said notice shall be headed "Notice of intention of the board of supervisors to form a levee district," and shall state the fact of the passage of such resolution, with the date thereof, the boundaries of the district, and the statement that it is proposed to assess all properties embraced within such proposed levee district for the purpose of paying the damages, costs and expenses of erecting and repairing dikes, levees and other improvements to protect the said lands from overflow, and the necessary expenses of maintaining the said district and refer to the resolution for further particulars. Such notice to be given by the board of supervisors and signed by its clerk.

Sec. 2. Such notice shall be published for a period of

thirty days, in a newspaper published and circulated in said county and designated by said board of supervisors.

Sec. 3. Any person interested, objecting to the formation of such levee district or to the extent of the district of lands to be affected or benefited by erection or repair of such dikes, levees or other improvements to protect the same from overflow, and to be assessed to pay the costs and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the clerk of said board of supervisors, who shall indorse thereon the date of its reception, by him, and at the next regular meeting of said board of supervisors, or at an adjourned meeting, or a special meeting called for that purpose, after the expiration of said ten days lay such objections before said board of supervisors, said board shall then fix a time for hearing of said objections not less than fifteen days thereafter, and direct its clerk to notify each person objecting of such day fixed for hearing, by depositing a notice thereof in the postoffice at the county seat of such county, postage prepaid, addressed to such person objecting, which said notice shall be deposited in the postoffice not less than ten days before the day set for hearing.

Sec. 4. At the time specified or to which the hearing may be adjourned, the board of supervisors shall hear the objections urged and pass upon the same. Such board may, in its discretion, sustain, in whole or in part, any or all of the objections made and filed, and may change or alter the boundaries of such district to conform to the needs of the district, and may in its discretion declare such levee district formed as a subdivision of such county, and shall designate such district by name as the " ——— Levee District of ——— County."

Sec. 5. If it shall appear to the satisfaction of the board of supervisors that it is the desire of a majority of the owners of land in such proposed district that the same should be erected into a levee district, and that it is just and proper, they may declare said territory a levee district for the above purposes, and record the same in a book to be kept for that purpose, giving the metes and bounds, and thereafter the board of supervisors shall be deemed to have acquired jurisdiction to purchase or receive by donation, in the name of the district, any real or personal property necessary to properly carry out the purposes of the forma-

tion of such district under the same rules as govern the purchase of property in the name of the county; and to do all things necessary for the formation of such district and the erection and repair of dikes, levees and other improvements to protect the lands within such district from overflow.

Sec. 6. The board of supervisors of such county shall also have power to condemn land for the purposes of erecting dikes, levees, and other improvements for the purpose of protecting the lands embraced in such district from overflow, and for that purpose all of the provisions of part three, title seven, of the Code of Civil Procedure are hereby made applicable to the exercise of the right of eminent domain for such purposes or for any purpose necessary to the needs of such district when formed. If such district is created all expenses incurred in the formation of the same shall be a charge against such district and shall be paid as other claims against such district.

Sec. 7. Having acquired jurisdiction as provided in the foregoing sections of this act, the board of supervisors shall immediately appoint three commissioners one of whom shall be an engineer, which said commissioners before entering upon the discharge of their duties shall take an oath to faithfully discharge the same, and said commissioners shall proceed to cause a survey of the contemplated improvements in the way of the erection or repair of levees, dikes, and other works for the benefit of the said district, and shall assess all damages which may be done to any land, owner or persons, by reason of the taking of land, property, or otherwise for the erection, or repair of such levees, dikes, or other works, and shall ascertain the names of all persons who waive, or claim, damages for the same. And in the event that said commissioners shall find it necessary to use any levee, or work of protection, which has heretofore been constructed by private enterprise, the said commissioners shall cause the said levee, or other work of protection, to be measured, or appraised and a value placed thereon, and shall ascertain the name of the owner, or owners, of the said levee, or work of protection, and shall assess the same as damages to the owner, or owners. And the said commissioners shall estimate the total cost for all purposes of erecting, constructing or repairing said levees, dikes or other works, and maintaining the same for one year, including all damages awarded and shall there-

upon make a report of the foregoing matters to the board of supervisors. The board of supervisors at the next regular meeting after filing of the report of said commissioners, or at the time when the report was filed (if then in session), must fix a day for hearing the same; and must give notice of the time and place of such hearing by publication, at least once each week for at least two successive weeks, before such hearing, in a newspaper published and circulated in the county, to be designated by the board. Said notice shall intelligently describe the proposed route or line upon which said levees, dikes, and other works are to be erected, and the names of the owner of lands, or other property, through which the same runs, if known, and if not known, that fact must be stated. The board must, on the day fixed for the hearing, or to which it may be postponed or continued, hear the evidence offered by parties interested for or against the proposed works, and the damages assessed for the same by said commissioners, and must ascertain, and by order declare the amount of damage awarded each owner where such damages are claimed, and declare the report of said commissioners to be adopted or rejected in whole, or in part. Said report so adopted showing the estimated damages, costs and expenses for the erection or repair, of such dikes, levees, and other works, and the maintaining of the same for one year, shall be the basis for the assessment of the lands within the boundaries of said district for such year, and thereupon such commissioners shall be discharged. And the said board of supervisors shall from year to year thereafter, as may be necessary, appoint three commissioners as herein before provided, whose duties shall be the same as herein before set out, and who shall report to the board of supervisors the necessary costs and expenses for the erection or repair, of dikes, levees, and other works, and the cost of maintaining the same for that year, to the board of supervisors, and said report shall be acted upon and adopted by said board in the same manner as herein before set out, and the adoption of such report shall in each instance form the basis of the estimate of the board of supervisors of the amount of money required to be raised by assessment of said lands within such district for such year.

Sec. 8. The commissioners mentioned in this act, other than the engineer, shall receive for their services the sum of \$5.00 per day while actually employed, and such engi-

neer shall receive such compensation as may be agreed upon between said engineer and the board of supervisors, and the compensation of such commissioners, and all expenses incurred by them shall be considered as an expense of the work of improvements of said district, and shall be chargeable and payable as other expenses of such district are paid.

Sec. 9. The county assessor of such county shall on or before the first day of September of each year after the formation of such district, and at such other times as the board of supervisors shall require, furnish said board of supervisors with a detailed statement showing the names of all owners of land within the boundaries of said district, and the assessed valuation of said land and improvements thereon, as shown on the last preceding assessment made by such assessor on the lands within such district. The word land shall be held to include all railroad beds within the district.

Sec. 10. At the time when by law it is the duty of the board of supervisors of such county to fix the annual tax rate for such county, the said board of supervisors, taking as a basis the last previous report of the commissioners as herein before specified and adopted by them, for the amount of moneys necessary to be raised in said district for the purposes thereof for that year, and the valuation of the lands and improvements thereon within such district as furnished them by the county assessor, must levy a tax upon all taxable property in such levee district sufficient to raise the amount set forth in the report as made by said commissioners and adopted by said board of supervisors. The rate of taxation shall be ascertained by deducting fifteen per cent for anticipated delinquencies from the aggregate value of the lands and improvements thereon in said district, as shown by the statement prepared and furnished to the said board of supervisors by the assessor as herein before provided, and then dividing the sum necessary to be raised in said levee district by the remainder of such aggregate assessed value as shown in said statement as furnished by said assessor. The taxes so levied shall be computed and entered on the assessment roll by the county auditor, and collected at the same time and in the same manner as state and county taxes; and when collected shall be paid into the county treasury for the use of the said levee district in which said taxes was levied. And all taxes so levied as herein before provided shall be a lien upon the lands and properties in said district in the

manner and with the same effect, and collected in the same way as are state and county taxes.

Sec. 11. All moneys collected from such district for such taxes, and all moneys received from any source for the benefit of such district shall be by the county treasurer placed in a fund to be called the "—— levee district fund"; and all payments of any of the expense of the work of improvements or other expenses of such district shall be made upon warrants drawn by the county auditor upon said fund, and paid by said treasurer, and all claims as well for the land and improvements taken or damages, as for the charges and expenses, shall be paid as are other claims against the county and upon order of the board of supervisors, and the claims shall be itemized in the same manner as are other claims against the county.

Sec. 12. The board of supervisors of such county shall have the same supervision and the same control, and exercise the same authority, over the affairs and property of such district as are given to the said board of supervisors by law over the property and affairs of the county. No levees, dikes, or other works must be constructed or repaired except on the order of the board of supervisors, and when such repair or construction will exceed the sum of \$500.00 the same must be repaired or constructed under a contract let after reasonable notice given by the said board of supervisors, by publishing said notice at least once a week for two weeks in a newspaper published and circulated in said county, and designated by said board. All bids shall be sealed; and shall be opened at the time specified in the notice, and the contract awarded to the lowest responsible bidder. The board may, however, reject any and all bids. The contract and bond for its performance must be entered into and approved by the board of supervisors; *except, however*, in cases of great emergency, by the unanimous consent of the whole board they may proceed at once to replace or repair any and all levees, dikes, or other works of whatever nature, without notice. Prior to the publication of the notice of the letting of any contract for the erection or repair of dikes, levees or other works the board of supervisors must cause to be prepared by a competent engineer, plans, specifications, and working details of such work, which said plans and specifications shall be adopted by the board of supervisors and filed in the office of the clerk of said board, and shall be subject to inspection by any person for at least

two weeks prior to the date of the letting of such contract. The board of supervisors must appoint an engineer to superintend the construction, repair or other work to be done under such plans and specifications and no claims shall be allowed for any work done under any contract let under such plans and specifications without a certificate being first filed in the office of the clerk of the board of supervisors signed by said engineer certifying that such work has been completed and constructed according to such plans and specifications, and the terms of the contract; such engineer shall be paid such compensation as may be agreed upon by said board of supervisors and such compensation shall be paid in the same manner as other claims against said district.

Sec. 13. The board of supervisors shall have power to appoint a superintendent for said district whenever said board of supervisors shall deem such superintendent necessary, to supervise, care for and make necessary repairs of all levees, dikes, and other works of said district under the supervision and direction of said board. The compensation of such superintendent shall not exceed the sum of \$50.00 per month and he shall hold his position subject to the will of said board. *Provided*, that whenever the said board of supervisors shall deem it necessary the said board shall have power to employ a competent engineer and an attorney or attorneys at such compensation as may be agreed upon, to perform any and all necessary engineering, and legal work for said district. The compensation of such engineer, attorney or attorneys and such superintendent shall be paid the same as other claims against the said district.

Sec. 14. Whenever said board of supervisors shall consider that the construction or repair of dikes, levees, or other works of said district along or upon any of the county roads of such county, will be for the mutual benefit of such district and such county, then, in that event, the said board of supervisors shall have power, and may contribute to the expense and cost of such work, such sums of money as they may deem proper on behalf of the county, and such moneys shall be paid out of either the general road fund or the special fund of any road district or in which said work is done, and as a majority of said board of supervisors may determine.

Sec. 15. If at any time in the opinion of the board of supervisors the expenditure of money is absolutely necessary to the welfare of such levee district, and there is no money

in the fund of such district to make such necessary expenditures, or the money in such funds is insufficient to make such necessary expenditure, then the board of supervisors may advance such money out of the general fund of the county for such purpose, and as soon as there is sufficient money in the fund of such levee district to pay the amount so advanced, the board of supervisors shall direct the county treasurer to transfer to the general fund of the county from the fund of said levee district a sum sufficient to repay the amount so advanced.

Sec. 16: This act is not intended to supersede or repeal any other act for the construction or maintenance of ditches, levees, dikes, or works of protection, or for drainage or for reclamation purposes, but is intended as an independent and alternative means of constructing and erecting such ditches, levees, dikes, or other works of protection where most applicable or desirable to the parties interested.

LIENS.

ACT 1948.

Creating a lien in favor of owners of stallions, jacks, and bulls, used for propagating purposes. [Stats. 1891, p. 90.]

Codified by amendments of Civil Code, 1905. See note to § 3062, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 738.

ACT 1949.

To secure wages of persons employed as laborers on threshing machines. [Stats. 1885, p. 109.]

Codified by amendments of Civil Code, 1905. See note to § 3061, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 743.

Supp. Cal. Rep. Cit. 141, 94.

ACT 1951.

Giving a lien to loggers and laborers employed in logging camps upon the logs cut and hauled. [Stats. 1877-8, p. 747.]

Amended 1880, 38; 1887, 53.

Partly codified by amendment of Civil Code, 1905. See note to § 3065, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 740.

LODGING-HOUSES.

ACT 1966.

Relating to lodging-houses and sleeping apartments. [Stats. 1875-6, p. 759.]

Codified by amendment of Penal Code, 1905. See note to § 401a, Penal Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 743, and Penal Code, 1903, Appendix, p. 632. This act is known as the cubic air law.

LOS ANGELES CITY.

ACT 1975.

Charter of Los Angeles. [Stats. 1889, p. 455.]

Amended, 1902, 555; 1905, 980.

Supp. Cal. Rep. Cit. 141, 206; 141, 507.

LOS ANGELES COUNTY.

ACT 2001.

Highways in. [Stats. 1877-8, p. 6.]

Repealed 1883, 5, c. X, § 2.

Supp. Cal. Rep. Cit. 144, 344.

ACT 2002.

Relative to highways in. [Stats. 1877-8, p. 716.]

Repealed 1883, 5, c. X, § 2.

This was a general law and repealed all prior laws.

Supp. Cal. Rep. Cit. 144, 344.

ACT 2014.

An act to provide three (3) additional judges of the superior court of the county of Los Angeles, State of California, for the manner of their appointment, and for their compensation. [Approved February 15, 1905. Stats. 1905, p. 9.]

LUMBER MANUFACTURERS.

ACT 2049.

Lumber manufacturers, protection of. [Stats. 1875-6, p. 32.]

Codified by amendment of Penal Code, 1905. See note to § 593a, Penal Code Supp.

This act prescribed a penalty for driving into logs, etc., any substance sufficiently hard to injure saws. It appears in full in the Penal Code, 1903, Appendix, p. 633.

MADERA COUNTY.

ACT 2054.

To create the county of Madera, to define the boundaries thereof, to determine the county seat, and to provide for its organization and election of officers, and to classify said county. [Approved March 11, 1893. Stats. 1893, p. 168.]

Unconstitutional in part. (People v. Markham, 104 Cal. 232.)

Supp. Cal. Rep. Cit. 142, 53; 142, 58.

MARKS AND BRANDS.

ACT 2100.

To prevent fraud and imposition in the matter of stamping and labeling produce and manufactured goods. [Stats. 1887, p. 17.]

Codified by amendment of Penal Code, 1905. See note to § 349a, Penal Code Supp.

This act appears in full in the Penal Code, 1903, p. 633. Consult, also, Act 2101, General Laws, 1903, p. 591.

MARYSVILLE.

ACT 2128.

Reincorporating. [Stats. 1875-6, p. 149.]

Amended, 1877-8, 593.

Supp. Cal. Rep. Cit. 143, 560; 143, 561.

MEDICINE.

ACT 2162.

An act for the regulation of the practice of medicine and surgery in the state of California, and for the appointment of a board of medical examiners in the matter of said regulation. [Became a law under constitutional provision without governor's approval, February 27, 1901. Stats. 1901, p. 56.]

This act appears in full in General Laws, 1903, p. 596.

Supp. Cal. Rep. Cit. 143, 413; 143, 419; 144, 177.

MINES AND MINING.

ACT 2216.

Prescribing the manner of locating mining claims upon the public domain of the United States, recording notices of location thereof, amending defective locations,

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and providing for the deposit of district records with county recorders, and prescribing the effect to be given to recordation of notices of location and affidavits. [Approved March 27, 1897. Stats. 1897, p. 214.]

Repealed 1899, 148; 1900, 9.

Supp. Cal. Rep. Cit. 145, 14; 145, 17; 145, 18; 145, 19; 145, 22; 145, 24; 145, 26.

MINING CORPORATIONS.

ACT 2239.

An act for the better protection of stockholders in corporations formed under the laws of the state of California for the purpose of carrying on and conducting the business of mining. [Stats. 1873-4, p. 866.]

Amended 1880, 134; 1897, 38.

Codified by amendments of Civil Code, 1905. See note to § 588, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 752.

ACT 2240.

Further protection of stockholders in mining corporations. [Stats. 1880, p. 131.]

Amended 1897, 96. Repealed, 1905, 74.

This act appears in full in Civil Code, 1903, Appendix, p. 752. It relates to the sale, lease or mortgage of mines.

Supp. Cal. Rep. Cit. 144, 514; 144, 520.

MONO COUNTY.

ACT 2293.

Stallions running at large, act to prevent. [Stats. 1873-4, p. 228.]

Codified by amendment of Penal Code, 1905. See note to § 597g, Penal Code Supp.

MONTEREY CITY.

ACT 2298.

An act to provide for the acquisition of the old mission at Sonoma, of Fort Ross property, of the landing place at Monterey of Junipero Sera, and the old theater property at Monterey, and providing for the preservation, maintenance, protection and improvement of said properties.

[Approved February 21, 1905. Stats. 1905, p. 17.]

Section 1. The Board of Sutter's Fort Trustees, created

and existing under an act entitled "An act to provide for the appointment of a Board of Sutter's Fort Trustees, and the acquisition of the Sutter Fort property, and providing for an appropriation for the preservation, protection and improvement of said property," approved March 7, 1891, are hereby authorized to receive and accept from William Randolph Hearst, trustee of the Landmarks Fund, without cost to the state, the possession and title to the old mission at Sonoma and Fort Ross in the county of Sonoma.

Sec. 2. The said Board of Sutter's Fort Trustees shall provide for the preservation, maintenance, protection and improvement of the property hereinbefore described, in such way and manner as in their judgment may seem best and proper.

Sec. 3. The Board of Monterey Custom House Trustees created and existing under an act entitled "An act to provide for the appointment of a Board of Monterey Custom House Trustees and for the acquisition and control of the Monterey custom house property, and providing for an appropriation for the preservation, protection and improvement of said property," approved March 16, 1901, are hereby authorized to receive and accept from William Randolph Hearst, trustee of the Landmarks Fund, without cost to the state, possession and title to the landing place at Monterey of Junipero Sera, in the county of Monterey, and old theater property at Monterey, in the county of Monterey.

Sec. 4. The said Board of Monterey Custom House Trustees shall provide for the preservation, maintenance, protection and improvement of the property last before described, in such way and manner as in their judgment may seem best and proper.

Sec. 5. This act shall take effect immediately.

ACT 2299.

To incorporate the city of Monterey. [Stats. 1853, p. 153.]

Amended 1857, 55; 1862, 274; 1865, 834. Repealed 1889, 227.

Supp. Cal. Rep. Cit. 139, 545; 139, 546; 139, 547; 139, 557; 139, 558.

MOTORCYCLES.

ACT 2331.

An act to regulate the operation of motor vehicles on public highways, and making an appropriation for the purpose of carrying out the objects of this act.

[Approved March 22, 1905. Stats. 1905, p. 816.]

Section 1. Subdivision 1. The words and phrases used in this act shall, for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows: (1) "motor vehicle" shall include all vehicles propelled by any power other than muscular power, *provided* that nothing herein contained shall, except the provisions of subdivisions three, four and five of section three and subdivision one of section four of this act, apply to motor cycles, motor bicycles, traction engines or road rollers; (2) "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway, driveway or public place in any county, or incorporated city and county, city or town; (3) "closely built up" shall mean (a) the territory of any county or incorporated city and county, city or town contiguous to a public highway which is at that point built up with structures devoted to business, (b) the territory of any county or incorporated city and county, city or town contiguous to a public highway not devoted to business, where for not less than one quarter of a mile the dwelling-houses on such highway average less than one hundred feet apart, provided that the local authorities having charge of such highway shall have placed conspicuously thereon at both ends of such closely built up section signs of sufficient size to be easily readable by a person using the highway, bearing the words "Slow down to — miles," inserting in the blank space the number of miles to which the speed is to be reduced, and also an arrow pointing in the direction where the speed is to be reduced; (4) "local authorities" shall include all boards of supervisors, trustees or councils, committees and other public officials of counties, or incorporated cities and counties, cities or towns; (5) "chauffeur" shall mean any person operating a motor vehicle as mechanic, employé or for hire.

Sec. 2. Subdivision 1. Every person hereafter acquiring a motor vehicle shall, for every vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered including the name of the maker, factory number, style of vehicle and motor power on a blank to be prepared and furnished by such secretary of state for that purpose; the filing fee shall be two dollars.

Subdivision 2. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a

book or index to be kept for that purpose, and assign it a distinctive number.

Subdivision 3. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form approximately two inches in diameter, and have stamped thereon the words "Registered motor vehicle, No. _____, State of California," with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle, to which such number has been assigned.

Subdivision 4. If the vehicle has been previously registered, the certificate issued thereon shall be returned to the secretary of state and in lieu thereof such secretary shall issue to said owner a registration seal containing the number of such previous registration upon payment of a fee of one dollar. Upon the sale of a motor vehicle, the vendor, except a manufacturer or dealer, shall within ten days, return to the secretary of state the registration seal affixed to such vehicle.

Subdivision 5. Every motor vehicle shall also at all times have the number assigned to it displayed on the back of such vehicle in such manner as to be plainly visible, the numbers to be in arabic numerals, black on white background, each not less than three inches in height, and each stroke to be of a width not less than half an inch, and also as a part of such number the abbreviated name of the state in black on white ground, such letters to be not less than one inch in height.

Subdivision 6. A manufacturer of or a dealer in motor vehicles shall register one vehicle of each style or type manufactured or dealt in by him, and be entitled to as many duplicate registration seals for each type or style so manufactured or dealt in as he may desire on payment of an additional fee of fifty cents for each duplicate seal. If a registration seal and the corresponding number shall thereafter be affixed to and displayed on every vehicle of such type or style as in this section provided, while such vehicle is being operated on the public highways, it shall be deemed a sufficient compliance with subdivisions one, three, five and eight of this section, until such vehicle shall be sold or let for hire. Nothing in this subdivision shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for private use or for hire.

Subdivision 7. No motor vehicle shall be used or operated upon the public highways after thirty days after this act takes effect which shall display thereon a registration seal or number belonging to any other vehicle, or a fictitious registration seal or number.

Subdivision 8. No motor vehicle shall be used or operated on the public highways after thirty days after this act takes effect, unless the owner shall have complied in all respects with this section, except that any person purchasing a motor vehicle from a manufacturer, dealer or other person after this act goes into effect shall be allowed to operate such motor vehicle upon the public highways for a period of five days after the purchase and delivery thereof, *provided* that during such period such motor vehicle shall bear the registration number and seal of the previous owner under which it was operated or might have been operated by him.

Subdivision 9. The provisions of this section shall not apply to motor vehicles owned by non-residents of this state and only temporarily within this state, *provided* the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as in this section provided.

Sec. 3. Subdivision 1. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or the safety of any property; or in any event on any public highway where the territory contiguous thereto is closely built up, at a greater rate than one mile in six minutes, or elsewhere in any incorporated city and county, city or town at a greater rate than one mile in four minutes, or elsewhere outside of any incorporated city and county, city or town, at a greater rate than one mile in three minutes; subject, however, to the other provisions of this act.

Subdivision 2. Upon approaching a bridge, dam, sharp curve, or steep descent, and also in traversing such bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed not exceeding one mile in fifteen minutes, and upon ap-

proaching a crossing of intersecting highways at a speed not greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

Subdivision 3. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led or driven thereon, a person operating a motor vehicle shall give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and, in the case of horses or other draft animals, to prevent frightening the same.

Subdivision 4. A person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding, leading or driving a restive horse or horses, or other draft animals, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and, if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; *provided that*, in case such horse or animal appears badly frightened or the person operating such motor vehicle is requested to do so, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure safety to others.

Subdivision 5. In case of accident to a person or property on the public highway, due to the operation thereon of a motor vehicle, the person operating such vehicle shall stop, and, upon request of a person injured, or any person present, give such person his name and address, and, if not the owner, the name and address of such owner.

Subdivision 6. Local authorities may, notwithstanding the other provisions of this section, set aside for a given time a specified public highway for speed tests or races, to be conducted under proper restrictions for the safety of the public.

Sec. 4. Subdivision 1. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any other vehicles, the person so operating such motor vehicle shall reasonably turn the same to the right of the center of such highway so as to pass without interference. Any such person so operating a motor vehicle, shall, on overtaking any such horse, draft animal or other

vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left. Any such person so operating a motor vehicle shall at the intersection of public highways, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left. Nothing in this subdivision shall, however, be construed as limiting the meaning or effect of the provisions of section three of this act.

Subdivision 2. Every motor vehicle, while in use on a public highway shall be provided with good and efficient brakes, and also with suitable bell, horn or other signal, and be so constructed as to exhibit, during the period from one hour after sunset to one hour before sunrise, two lamps showing white lights visible within a reasonable distance in the direction towards which such vehicle is proceeding, showing the registered number of the vehicle in separate arabic numerals, not less than one inch in height and each stroke to be not less than one quarter of an inch in width, and also a red light visible in the reverse direction.

Subdivision 3. Subject to the provisions of this act, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways, or excluding or prohibiting any motor vehicle whose owner has complied with section two of this act from the free use of such highways, except such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages, or except as herein provided, in any way affecting the registration or numbering of motor vehicles or prescribing a slower rate of speed than herein specified at which such vehicles may be operated, or the use of public highways, contrary or inconsistent with the provisions of this act; and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; *provided, however*, that the local authorities of incorporated cities and counties, cities and towns may limit by ordinance, rule or regulation hereafter adopted the speed of motor vehicles on the public highways, on condition that such ordinance, rule or regulation shall also fix the same speed limitation for all other vehicles, such speed limitation not to be in any case less than one mile in six minutes and on further condition that such

incorporated city and county, city or town shall also have placed conspicuously on each main public highway where the boundary of such municipality crosses the same and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words "slow down to ——— miles" (the rate being inserted) and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the penalties for violation thereof similar to and no greater than those fixed by such local authorities for violation of speed limitation by any other vehicles than motor vehicles, which penalties shall during the existence of the ordinance, rule or regulation supersede those specified in section six of this act, *and provided further* that nothing in this act contained shall be construed as limiting the power of local authorities to make, enforce and maintain further ordinances, rules or regulations affecting motor vehicles which are offered to the public for hire.

Subdivision 4. Local authorities may, notwithstanding the provisions of this act, make, enforce and maintain such reasonable ordinances, rules or regulations concerning the speed at which motor vehicles may be operated in any public park or parkways, but in that event, must be signs at each entrance of such park and along such parkway, conspicuously indicate the rate of speed permitted or required, and may exclude motor vehicles from any cemetery or grounds used for burial of the dead.

Subdivision 5. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil suit for damages by reason of injuries to person or property resulting from the negligent use of the highways by a motor vehicle or its owner or his employé or agent.

Sec. 5. Subdivision 1. Every person hereafter desiring to operate a motor vehicle as a chauffeur shall file in the office of the secretary of state, on a blank to be supplied by such secretary, a statement which shall include his name and address and the trade name and motive power of the motor vehicle or vehicles he is able to operate, and shall pay a registration fee of two dollars.

Subdivision 2. The secretary of state shall thereupon file such statement in his office, register such chauffeur in a book or index to be kept for that purpose, and assign him a number.

Subdivision 3. The secretary of state shall forthwith, upon such registration and without other fee, insure and deliver to such chauffeur a badge of aluminum or other suitable metal which shall be oval in form, and the greater diameter of which shall not be more than two inches, and such badge shall have stamped thereon the words: "Registered chauffeur, No. ———, State of California," with the registration number inserted therein; which badge shall thereafter be worn by such chauffeur pinned upon his clothing in a conspicuous place at all times while he is operating a motor vehicle upon the public highways.

Subdivision 4. No chauffeur, having registered as herein provided, shall voluntarily permit any other person to wear his badge, nor shall any person while operating a motor vehicle wear any badge belonging to another person, or a fictitious badge.

Subdivision 5. No person shall operate a motor vehicle as a chauffeur upon the public highways after thirty days after this act takes effect, unless such person shall have complied in all respects with the requirements of this section.

Sec. 6. Subdivision 1. The violation of any of the provisions of this act by any owner, chauffeur or operator of any motor vehicle, shall be deemed a misdemeanor, punishable, upon conviction thereof, by a fine not exceeding one hundred dollars for the first offense, and punishable by a fine of not less than fifty dollars nor more than one hundred dollars, or imprisonment not exceeding thirty days, or both for a second offense, and punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars and imprisonment not exceeding thirty days for a third or subsequent offense.

Subdivision 2. In case the owner of a motor vehicle shall be taken into custody because of a violation of any provision of this act, he shall be forthwith taken before the nearest justice of the peace, or police judge or court, and be entitled to an immediate hearing; and if such hearing cannot then be had, be released from custody on giving his personal undertaking to appear and answer for such violation, at such time and place as shall then be ordered, secured by the deposit of a sum equal to the maximum fine for the offense with which he is charged, or in lieu thereof, by leaving the motor vehicle owned by such person, with such justice of the peace, police judge or clerk of such

police court, or, in case such justice of the peace or police judge is not accessible, be forthwith released from custody on giving his name and address to the officer making such arrest, and depositing with such officer a sum equal to the maximum fine for the offense for which such arrest is made, or in lieu thereof, by leaving the motor vehicle owned by such person, with such officer, *provided*, that in such case the officer making such arrest shall give a receipt in writing for such sum or vehicle and by endorsement on such receipt notify such person to appear before the nearest justice of the peace or police judge or court, on the following day, naming him or it and specifying the place and hour. In case security shall be deposited, as in this subdivision provided, it shall be returned to the person depositing forthwith on such person being admitted to bail, on the surrender of any receipt or other voucher given at the time of such deposit. If such person shall fail to appear before the magistrate or court at the time ordered or specified, the amount deposited by him may be declared forfeited and disposed of as money deposited for bail in other cases, or the motor which may be so left by him may be sold at public auction by order of the justice of the peace, or police judge or court, and from the amount realized upon such sale, a sum equal to the maximum fine for the offense charged shall be disposed of in like manner, and the surplus, if any, after deducting all expenses incurred in keeping or sale of such motor vehicle be returned to such owner on demand, but no such forfeiture and disposition of such security shall in anywise impair the jurisdiction of such justice of the peace, police judge or court to hear and determine any such charge made against such owner, or to inflict, upon conviction thereof, any punishment prescribed by this act.

Sec. 7. The amount of fees received by the secretary of state, as in this act provided, shall be paid into the state treasury, to be paid into the general fund of the state.

Sec. 8. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of twenty thousand dollars (\$20,000.00), for the purpose of carrying out the objects of this act, to be used by the secretary of state in the employment of the necessary clerk or clerks; the purchase of the necessary stationery, books, and postage; for the necessary incidental expenses; for the purchase of the necessary seals and badges; for

printing, ruling, binding, and all other work performed and materials used by the state printing office, to be used during the balance of the fifty-sixth, and during the fifty-seventh and fifty-eighth fiscal years. The state controller is hereby directed to draw his warrant for any claim against said sum, the same having been approved by the state board of examiners, and the state treasurer is hereby directed to pay the same.

Sec. 9. All acts and parts of acts inconsistent herewith or contrary hereto are, so far as they are inconsistent or contrary, hereby repealed.

Sec. 10. This action shall take effect immediately.

MUNICIPAL CORPORATIONS.

ACT 2332.

An act to validate the organization and incorporation of municipal corporations.

[Approved March 20, 1905. Stats. 1905, p. 400.]

Section 1. All municipal corporations, the organization and incorporation of which have been authenticated by an order of a board of supervisors in this state, declaring the same incorporated as municipal corporations of the classes to which such corporations may respectively belong, and a certified copy of which order has been filed by such board of supervisors in the office of the secretary of state, showing such copy of said order to have been filed in said office, and which corporations thereafter have acted in the form and manner of municipal corporations under the provisions of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March thirteenth, eighteen hundred and eighty-three, and the amendments thereto, are hereby declared to be and to have been municipal corporations from the date of filing the certified copy of said order of the board of supervisors with the secretary of state; and all the acts of the said municipal corporations heretofore performed according to the act aforesaid, are hereby validated, and declared as legal.

ACT 2333.

An act to provide for the lighting of public streets, lanes, alleys, courts and places in municipalities, and for the

assessment of the costs and expenses thereof upon the property benefited thereby.

[Approved March 21, 1905. Stats. 1905, p. 564.]

Section 1. Whenever the public interest or convenience may require, the city council of any municipality in the state shall have full power and authority to order poles, posts, wires, pipes, conduits and lamps, or any of said appliances, or any other suitable and necessary appliances, to be installed in and along the whole or any part of any public street, lane, alley, court or place in such municipality, for the purpose of lighting the same; also to order appliances in and along the same, installed under this act, or otherwise installed and owned or controlled by such municipality, to be maintained; and also to order gas, electric current, or other illuminating agent, to be furnished for such lighting; in the manner and under the proceedings hereinafter described.

Sec. 2. Before ordering any improvement to be made, which is authorized by section one of this act, the city council shall adopt a resolution declaring its intention to do so, briefly describing the proposed improvement, which may include the whole or any part of one or more streets, lanes, alleys, courts or places, and specifying the exterior boundaries of the district to be benefited by said improvement and to be assessed to pay the cost and expenses thereof, and to be known as the assessment district. Said proposed improvement may include any or all of the different kinds of work mentioned in section one of this act; *provided, however*, that the maintenance of appliances or the furnishing of gas, electric current or other illuminating agent, shall be for a period stated in the resolution of intention, but not exceeding two years. The city council shall also, in the same resolution, refer the proposed improvement to the city engineer, if there be one, and if not, to some competent person employed by the municipality for the purpose and named in said resolution, and direct him to make and file with the clerk of the city council a report in writing presenting the following:

1. Plans and specifications for the work required in order to make said improvements;
2. An estimate of the cost of said improvement and of the incidental expenses in connection therewith;
3. A diagram showing the district above referred to, and

also the boundaries and dimensions of the respective subdivisions of the land within said district, each of which subdivisions shall be given a separate number in red ink upon said diagram.

4. A proposed assessment of the total amount of the costs and expenses of the proposed improvement upon the several subdivisions of land in said district in proportion to the estimated benefits to be received by such subdivisions, respectively, from said improvement. Said assessment shall refer to such subdivisions upon said diagram by the respective red ink numbers thereof, and shall show the names of the owners, if known, otherwise designating them as unknown. No mistake in the name of the owner of any parcel of land shall affect the validity of the assessment thereon.

In any municipality having a board of public works created by its charter or by law, the proposed improvements shall be referred to said board, and the report provided for herein shall be made by said board.

Sec. 3. Upon the filing of the report provided for in section two of this act, the said clerk shall present the same to the city council for consideration, and said council may modify the same in any respect, and, in case of any such modification, the report as modified shall stand as the report for the purpose of all subsequent proceedings. Thereafter the council, by resolution, shall appoint a time and place for hearing protests in relation to the proposed improvement, which time shall not be less than twenty days from the date of the passage of said resolution, and shall direct the clerk of the city council to give notice of said hearing, and shall designate the newspaper in which such notice shall be published.

Sec. 4. After the passage of the resolution mentioned in section three of this act, the clerk of said city council shall cause to be conspicuously posted along all streets and parts of streets within the assessment district described in the resolution of intention, at not more than three hundred feet in distance apart, notices (not less than three in all), of the passage of said resolution of intention and of the filing of said report. Said notices shall be headed "Notice of Local Improvement," in letters not less than one inch in length, shall be in legible characters, and shall state the fact and date of the passage of said resolution of in-

tention and of the filing of said report, and the date set for the hearing of said protests, and briefly describe the improvement proposed, and refer to said resolution and report for further particulars. He shall also cause a notice similar in substance to be published for a period of two days in a daily newspaper published and circulated in said municipality, and designated by said city council for that purpose, or if there is no daily newspaper in said municipality, then by two successive insertions in a weekly paper, so published, circulated and designated. Said notices must be posted and published, as above provided, at least ten days before the date set for the hearing of said protests.

Sec. 5. Any person interested, objecting to said improvement, or to the extent of the assessment district, or to the proposed assessment provided for in section two of this act, may file a written protest with the clerk of the city council at or before the time set for the hearing referred to in section three hereof. The clerk shall endorse on every such protest the date of its reception by him, and at the time appointed for the hearing above provided for, shall present to said city council all protests so filed with him. If such protests are against said improvement and said city council finds that the same are signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district, all further proceedings under said resolution of intention shall be barred and no new resolution of intention for the same improvement shall be passed within six months after the presentation of such protests to the city council, unless the owners of a majority of the frontage of the property fronting on streets or parts of streets within said assessment district shall in the meantime petition therefor. If such protests are against the improvement and the council finds that they are not signed by the owners of a majority of the frontage of the property fronting on streets or parts of streets within the assessment district, or if such protests are against the extent of the assessment district, the council shall hear said protests at the time appointed therefor, as above provided, or at any time to which the hearing thereof may be adjourned, and pass upon the same, and its decision shall be final and conclusive, and if such protests are sustained the proceeding shall be abandoned, but may be renewed at any time, and if such protests are denied,

the proposed assessment shall be confirmed. If such protests are against the proposed assessment, the council shall hear said protests at the time appointed therefor as above provided, or at any time to which the hearing thereof may be adjourned, and may confirm, modify or correct said proposed assessment.

When, upon the hearing, said proposed assessment is confirmed, modified or corrected, or in case no protests are filed, the report provided for in section two hereof shall be adopted as a whole, with any modifications or corrections that have been made therein, and the city council shall by resolution, order said proposed improvement to be made, and declare its action upon said report and assessment, which resolution shall be final and conclusive on all persons, and the assessment shall be thereby levied upon the respective subdivisions of land in the assessment district.

Sec. 6. The validity of an assessment levied under this act shall not be contested in any action or proceeding unless the same is commenced within thirty days after the time said assessment is levied, and any appeal from a final judgment in such an action or proceeding must be perfected within thirty days after the entry of such judgment.

Sec. 7. Upon the passage of the resolution provided for in section five hereof, the clerk of said city council shall transmit to the tax collector of the municipality, the diagram and assessment provided for in subdivisions 3 and 4 of section two hereof, and any modifications or corrections thereof made by said city council.

Sec. 8. Upon the receipt of the diagram and assessment referred to in the last preceding section, the tax collector of the municipality shall record the same in a substantial book, to be kept for that purpose, in his office, and shall thereupon fix a day not less than twenty, nor more than thirty, days from the date of the receipt by him of said diagram and assessment after which all assessments unpaid shall become delinquent and ten per cent shall be added to the amount thereof, and shall also fix a day for the sale of the various parcels of land within said district upon which the assessments are unpaid, which said date shall be not less than fifty days nor more than sixty days from the date of the receipt by him of said diagram and assessment.

Sec. 9. Notice of the sale of property upon which the said assessments are delinquent shall be given by said tax

collector by posting and publication in the manner now provided by the general laws of the State of California, for giving notice of sale of real estate upon execution, *provided, however,* that the descriptions of the various parcels of land need not be set out at length, but only by the respective numbers of the same as they appear upon the assessment and diagram, which shall be properly referred to in said notice, and said descriptions shall all be contained in one notice. At the time and place fixed for the sale of said property, the tax collector shall separately sell the respective parcels of land within said district, the assessments against which have not been paid, or so much of each parcel as shall be necessary to realize the amount assessed against said parcel, said ten per cent penalty for delinquency, and its proportion of the expenses of sale, in the order of their numbers upon said diagram. At said sale the municipality may be a purchaser.

Sec. 10. The tax collector shall issue for each sale an original and a duplicate certificate of sale, referring to the proceedings, describing the parcel sold, and giving the name of the purchaser and the amount for which said parcel was sold. The original certificate he shall deliver to the purchaser, and the duplicate he shall keep on file in his office in the form of a stub in the certificate book.

Sec. 11. At any time before the expiration of one year from the date of the sale, any property sold under the provisions of the preceding sections may be redeemed by the payment to the tax collector of the amount for which the property was sold, with an additional penalty of twenty-five per cent of said amount. Said redemption money shall be paid by the tax collector to the person holding the original certificate of sale upon his delivering up the same and receipting for the amount received from the tax collector therefor. Upon redemption of any parcel of land the tax collector shall enter the fact and date of such redemption upon the duplicate certificate of sale thereof.

Sec. 12. If the property is sold, and is not redeemed within said period of one year from the date of the sale, the tax collector shall execute to the person named in the original certificate, or to his assignee, a deed of the property described in said certificate, which said deed shall refer in general terms to the proceedings under which the same is issued, and shall contain a description of the prop-

erty. Such deed shall convey title in fee to said property, and the grantee is immediately, upon the receipt thereof, entitled to possession of the property described therein.

Sec. 13. The funds collected by the tax collector under the proceedings herein provided for, either upon voluntary payment, or as the result of sales, shall be paid by said tax collector, as fast as collected, to the treasurer of said municipality, who shall place the same in a special fund designated by the number or name of the proceeding, and payments shall be made out of said special fund only for the purposes provided for in this act. To expedite the making of any such improvement, the city council may at any time transfer into said special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred shall be deemed a loan to such special fund and shall be repaid out of the proceeds of the assessments provided for in this act.

Sec. 14. At any time after the funds for the work, or any part of the work, shall be in the hands of said treasurer, the city council may let the contract or contracts for such work or the respective parts thereof. Every such contract shall be let to the lowest responsible bidder, after notice published by two insertions in some newspaper published in such municipality and designated by the city council for that purpose, or if there be no such newspaper, then by such posting as the city council may provide.

Every bid shall be accompanied by a certified check, amounting to ten per cent of the bid, payable to the order of the clerk of said city council, and the same shall be forfeited to the municipality in case the bidder depositing the same does not, within ten days after written notice that the contract has been awarded to him, enter into a contract with the municipality for the work, the faithful performance of which shall be secured by an undertaking in such penal sum as the city council shall require, with sureties satisfactory to said council.

The contract must provide that the work shall be done and the work must be done, strictly in accordance with the plans and specifications contained in the report provided for in sections two and three of this act. The work must be done under the supervision of the board, officer or person by whom the report provided for in section two of this act was made, and no work shall be paid for until it has

been accepted by said board, officer or person and by said city council.

If the contractor abandons the work or fails to proceed with the same as rapidly as required by his contract, the said city council may relet the work in the same manner as in the case of the first letting thereof, and retain the cost of the same, and also any expense incidental to the reletting, out of any funds due or to become due to the contractor, and also hold him and his sureties responsible for such cost and expense, and for any damages resulting from such abandonment or failure upon his bond.

Sec. 15. In case the first assessment for any improvement provided for in this act proves insufficient, a supplemental assessment may be made to raise the deficit, in the same manner as nearly as may be, as the first assessment, except that protests may only be made to such supplemental assessment, and so on until sufficient money shall have been realized to pay for such improvement.

Sec. 16. If at any time an assessment for any such improvement shall realize a larger sum than is necessary therefor, the excess shall be refunded pro rata to the parties by whom it was paid.

Sec. 17. Every special assessment levied under this act shall, from the date of the levy thereof, be a lien upon the land upon which it is levied paramount to all other liens, except prior assessments and taxation, and such lien shall continue until such special assessment is paid, or until the property is sold and a deed is made therefor to the purchaser as hereinbefore provided, and all parties shall have constructive notice of such lien from the date of the passage of the resolution referred to in section five hereof.

Sec. 18. The following words and phrases shall, where used in this act, have the following meanings:

(1) The term "improvement" includes all work and improvements mentioned in section one of this act.

(2) The terms "municipality" and "city" include every incorporated city, city and county, or other corporation organized for municipal purposes.

(3) The terms "city council" and "council" include any body or board in which by law is vested the legislative power of any city.

(4) The terms "treasurer" and "city treasurer" include any person or officer who has charge and makes payments of the city funds.

(5) The term "city engineer" includes any person or officer who has charge of the surveying and engineering work of said city.

Sec. 19. This act shall take effect and be in force from and after its passage.

ACT 2334.

An act to authorize the construction, maintenance and operation of private spur tracks in municipalities.

[Approved March 21, 1905. Stats. 1905, p. 710.]

Section 1. The council or other legislative governing body of any city or town, or city and county, by a majority vote, may grant the right to property owners or to the proprietors of manufacturing or industrial enterprises to construct, maintain and operate spur tracks from their premises to a connection with any railroad. Such grant shall, nevertheless, be revocable at the pleasure of the granting authority.

ACT 2347.

An act to provide for the classification of municipal corporations. [Approved March 2, 1883. Stats. 1883, p. 24.]

Amended 1897, 218, 421; 1899, 141; 1901, 94.

Supp. Cal. Rep. Cit. 143, 566; 143, 567; 143, 569; 143, 571.

ACT 2348.

An act to provide for the organization, incorporation, and government of municipal corporations. [Stats. 1883, p. 93.]

Amended 1885, 127, 134; 1887, 12; 1889, 371, 389; 1891, 21, 28, 54, 55, 114, 233; 1893, 299; 1895, 24, 159, 266; 1897, 89, 175, 183, 196, 403; 1899, 98; 1901, 12, 18, 70, 269, 293, 656; 1903, 40, 93, 135, 336; 1905, 16, 45, 72, 73, 88, 89, 408.

This act appears in full, with the exception of the amendments of 1905, in General Laws, 1903, p. 636.

Supp. Cal. Rep. Cit. 141, 373; 141, 374; 141, 375; 141, 376; 141, 377; 141, 378; 141, 379; 141, 380; 141, 397; 142, 515; 142, 700; 143, 566; 143, 567; 143, 569; 143, 570; 143, 571; 143, 572; 143, 573; 144, 14; 145, 631; 145, 633; 145, 636; 145, 640.

Section 9. The city clerk of each municipal corporation and the city recorder of each municipal corporation where

there is no city clerk shall have the powers and shall perform the duties of a registrar within such municipality which are prescribed and required by the provisions of an act entitled, "An act for the registration of deaths, the issuance and registration of burial and disinterment permits, and the establishment of registration districts in counties, cities and counties, cities, and incorporated towns, under the superintendence of the state bureau of vital statistics and prescribing the powers and duties of registrars, coroners, physicians, undertakers, sextons and other persons in relation to such registration and fixing penalties for the violation of this act."

Sec. 2. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed. [Amendment approved March 20, 1905; Stats. 1905, p. 408. In effect March 31st, 1905.]

Section 764. The board of trustees of such city shall have power:

1. To pass ordinances not in conflict with the constitution and laws of this state, or of the United States.

2. To purchase, lease, or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of, and convey the same for the benefit of the city; *provided*, that they shall not have any power to sell or convey any portion of any waterfront; but may rent such waterfront for a term not exceeding ten years for the purpose of erecting bath-houses thereon.

3. To contract for supplying the city with water and electric or other lights for municipal purposes; to purchase, lease, or construct water works, and electric plants, subject to the proviso in this subdivision contained, and all power, machinery, conductors, and appliances necessary therefor, and to supply said city with, and to sell to the inhabitants thereof, water, light, heat and power; *provided*, that no such purchase or lease shall be made unless the question of acquiring such property is submitted to the voters of such city in the same manner as other propositions, at a general or special municipal election, and a majority of the electors, voting at such election, shall vote in favor of such proposition.

4. To establish, build and repair bridges; to establish, lay out, alter, keep open, open, improve and repair streets, sidewalks, alleys, squares, and other public highways and places within the city, and to drain, sprinkle, oil, and light the

same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, macadamize, gravel and curb the same in whole or in part, and to construct gutters, culverts, sidewalks, and crosswalks therein, or upon any part thereof; to cause to be planted, set out, and cultivated, shade trees therein; and generally to manage and control all such highways and places.

5. To establish, construct and maintain drains and sewers, and to provide by ordinance for a general system of sewers, and the expense of building and maintaining the same.

6. To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires.

7. To impose on and collect from every male inhabitant between the ages of twenty-one and sixty years, an annual street poll tax, not exceeding two dollars, and no other road poll tax shall be collected within the limits of such city; *provided*, that any member of a volunteer fire company in such city shall be exempt from such tax.

8. To impose and collect an annual license, not exceeding two dollars on every dog owned or harbored within the limits of the city.

9. To levy and collect annually a property tax, which shall be apportioned as follows: For the general fund, not exceeding sixty cents on each one hundred dollars; for street fund, not exceeding thirty cents on each one hundred dollars; for school fund, not exceeding twenty-five cents on each one hundred dollars; for sewer fund, not exceeding ten cents on each one hundred dollars. The levy for all purposes for any one year for all purposes to which such funds are applicable shall not exceed one dollar on each one hundred dollars of the assessed value of all real and personal property within such city.

10. To license, for purposes of regulation and revenue, all and every kind of business, including the sale of intoxicating liquors, authorized by law and transacted or carried on in such city, and all shows, exhibitions, and lawful games carried on therein; to fix the rates of license upon the same, and to provide for the collection of the same by suit or otherwise.

11. To improve the rivers and streams flowing through such city, or adjoining the same; to widen, straighten, and deepen the channels thereof, and to remove obstructions therefrom; to improve the waterfront of the city, and to

construct and maintain embankments and other works to protect such city from overflow.

12. To erect and maintain buildings for municipal purposes.

13. To permit, under such restrictions as they may deem proper, the laying of railroad tracks and the running of cars drawn by horses, steam, electricity, or other power thereon, and the laying of gas or water pipes in the public streets, and to construct and maintain, and to permit the construction and maintenance of telegraph, telephone, and electric light lines therein.

14. In its discretion to divide the city, by ordinance, into a convenient number of wards, not exceeding five, to fix the boundaries thereof, and to change the same from time to time; *provided*, that no change in the boundaries of any ward shall be made within sixty days next before the date of said general municipal election, nor within twenty months after the same shall have been established or altered. Whenever such city shall be so divided into wards, the board of trustees shall designate by ordinance the number of trustees to be elected from each ward, apportioning the same in proportion to the population of such ward; and thereafter the trustees so designated shall be elected by the qualified electors resident in such ward, or by the general vote of the whole city, as may be designated in such ordinance.

15. To appoint and remove such policemen and such other subordinate officers as they may deem proper, and to fix their duties and compensation.

16. To impose fines, penalties, and forfeitures for any and all violation of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed three hundred dollars, nor the term of such imprisonment exceed three months.

17. To cause all persons imprisoned for violation of any ordinance to labor on the streets, or other property or works within the city.

18. To establish fire limits, and the same to alter at pleasure; to regulate or prevent the erection of wooden or other buildings or structures of combustible materials; to regulate the construction of all buildings, sheds, awnings, signs, or any structure of a dangerous or unsafe character; to provide, by regulation, for the prevention and summary removal of all filth or garbage in the streets, sloughs, alleys, back yards or public grounds of such city, or elsewhere therein; to

regulate or prohibit the storage of gunpowder and combustible or explosive materials of every kind and nature within the city limits, and to prescribe the limits in which the same may be kept or stored.

19. To do and perform any and all other acts and things necessary and proper to carry out the provisions of this chapter, and to exact and enforce within the limits of such city all other local, police, sanitary, and other regulations as do not conflict with general laws. [Amendment approved March 3, 1905; Stats. 1905, p. 45. In effect in sixty days.]

Section 769. The violation of any ordinance of such city, shall be deemed a misdemeanor, and may be prosecuted by the authorities of such city in the name of the people of the State of California, or may be redressed by civil action, at the option of said authorities. Any person sentenced to imprisonment for the violation of an ordinance may be imprisoned in the city jail, or, if the board of trustees shall by ordinance so prescribe, in the county jail of the county in which such city may be situated; in which case the expense of such imprisonment shall be a charge in favor of such county against such city. [Amendment approved March 7, 1905; Stats. 1905, p. 72. In effect in sixty days.]

Section 773. The board of trustees shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city taxes not inconsistent with the provisions of this chapter. All taxes shall be collected by the marshal or treasurer, as may be determined by the board of trustees by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon the personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; *provided*, that any property sold for such taxes shall be subject to redemption within five years and upon the terms provided or that may hereafter be provided for the redemption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter

shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for nonpayment of state taxes. [Amendment approved March 8, 1905; Stats. 1905, p. 88. In effect in sixty days.]

See note to § 871, post.

Section 806. A recorder's court is hereby established in such city, to be held by the recorder of such city, *provided*, that the provisions of this section as to the establishment of recorder's courts and recorders in such city shall not apply to any such city in which a city justice's court or a city justice of the peace is now or may hereafter be established, and any recorder's court now existing in any such last mentioned city is hereby abolished. Said recorder's court shall have jurisdiction, concurrently with the justice's courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, of all actions founded upon any obligation or liability created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dollars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of such city is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said recorder's court shall be the same as are or may be prescribed by law for justices' courts in like cases, and appeals may be taken to the superior court of the county in which such city may be situated, from all judgments of said recorder's court in like manner and with like effect as in cases of appeals from justices' courts. [Amendment approved March 7, 1905; Stats. 1905, p. 72. In effect in sixty days.]

Section 813. The fire department of a city of the fifth class shall consist of companies of volunteer or paid firemen, as the board of trustees may determine, organized into engine hose, or hook and ladder companies. Such fire department, except where the same comprises one or more com-

panies of paid firemen, and such companies of volunteer firemen, shall elect their own officers: but the board of trustees shall appoint the chief and other officers of such department, where the same comprises one or more companies of paid firemen. The election of any person as chief of any such volunteer fire department shall be forthwith certified by the secretary of said department to the board of trustees of such city, and by them, at their next regular meeting, confirmed. The chief of the fire department shall give a bond to the chairman of the board of trustees of such city, in the sum of one thousand dollars; the chief of every fire department shall inquire into the cause of every fire occurring in the city, and keep a record thereof. He shall have exclusive control of the working of the fire department in time of conflagration or fire. He must aid in the enforcement of all fire ordinances duly enacted, examine buildings in process of erection, report violation of ordinances relating to the prevention and extinguishment of fires when directed by the proper authorities, and institute proceedings therefor, and shall have general control, management, and direction of the fire companies, hose, hook and ladder companies, and engine, and fire departments of such city, and shall perform such other duties as may be by the ordinances of said city, or by law, imposed upon him. His compensation, which shall not be less than ten dollars per month, must be fixed and paid by the board of city trustees. [Amendment approved February 20, 1905; Stats. 1905, p. 16. In effect immediately.]

Section 871. The board of trustees shall have the power, and it shall be their duty, to provide by ordinance a system for the assessment, levy, and collection of all city or town taxes not inconsistent with the provisions of this chapter. All taxes shall be collected by the marshal or treasurer, as may be determined by the board of trustees by ordinance. All taxes assessed, together with any percentage imposed for delinquency and the costs of collection, shall constitute liens on the property assessed; every tax upon personal property shall be a lien upon the real property of the owner thereof. The liens provided for in this section shall attach as of the first Monday in March of each year, and may be enforced by a sale of the real property affected, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by action in any court of competent jurisdiction to foreclose such liens; *provided*, that any property sold

for such taxes shall be subject to redemption within five years and upon the terms provided or that may hereafter be provided for the redemption of property sold for state taxes. All deeds made upon any sale of property for taxes or special assessments under the provisions of this chapter shall have the same force and effect in evidence as is or may hereafter be provided by law for deeds for property sold for nonpayment of state taxes.

Section 3 of the act amending this section and section 773 is as follows:

Sec. 3. This act shall not repeal, or in any manner affect, modify, or interfere with the provisions of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations" approved March 27, 1895; or any of the provisions of an act entitled "An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the state, except municipal corporations of the first, second, third and fourth classes, and cities operating under a charter framed under section 8, article 11, of Constitution," approved March 2, 1891. [Amendment approved March 8, 1905; Stats. 1905, p. 89. In effect in sixty days.]

Section 882. A recorder's court is hereby established in such city or town, to be held by the recorder of such city or town. Said recorder's court shall have jurisdiction, concurrently with the justice's courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of such city or town, and which might be tried in such justice's court; and shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city or town, of all actions founded upon any obligation created by any ordinance, and of all prosecutions for any violation of any ordinance. In all civil actions for the recovery of any fine, penalty, or forfeiture prescribed for the breach of any ordinance of such city or town, where the fine, penalty or forfeiture imposed by the ordinance is not more than fifty dol-

lars, the trial must be by the court, in civil actions where the fine, penalty or forfeiture prescribed for the breach of any ordinance of such city or town is over fifty dollars, the defendant is entitled to a jury. Except as in this section otherwise provided, the rules of practice and mode of proceeding in said recorder's court shall be the same as are or may be prescribed by law for justices' courts in like cases; and appeals may be taken to the superior court of the county in which such city or town may be situated, from all judgments of said recorder's court, in like manner and with like effect as in cases of appeals from justices' courts. [Amendment approved March 7, 1905; Stats. 1905, p. 73. In effect in sixty days.]

ACT 2361.

To authorize the incurring of indebtedness by municipal corporations for the construction of water-works, sewers, etc. [Stats. 1889, p. 399.]

Amended 1891, 84, 94, 132; 1893, 61.

See note to this act in General Laws of 1903, p. 924.

Supp. Cal. Rep. Cit. 138, 243; 142, 699; 142, 700; 142, 701; 144, 395.

ACT 2371.

An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations for municipal improvements, and regulating the acquisition, construction, or completion thereof. [Stats. 1901, p. 27.]

This act appears in full in General Laws, 1903, p. 937.

Supp. Cal. Rep. Cit. 142, 699; 142, 700; 144, 391.

ACT 2374.

An act to provide for the alteration of the boundaries of and for the annexation of territory to incorporated towns and cities, and for the incorporation of such annexed territory in and as a part of such municipalities, and for the districting, government, and municipal control of annexed territory. [Stats. 1889, p. 358.]

Amended 1905, 551.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 944.

ACT 2375.

An act to provide for changing the boundaries of cities and municipal corporations, and to exclude territory therefrom. [Stats. 1889, p. 433.]

Amended 1905, p. 715.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 948.

NURSING.**ACT 2508a.**

An act to promote the better education of practitioners of nursing the sick in the State of California, to provide for the issuance of certificates of registration as a registered nurse to qualified applicants by the board of regents of the University of California, and to provide penalties for violation hereof.

[Approved March 20, 1905. Stats. 1905, p. 533.]

Section 1. Commencing in the month of July, 1905, and at least semi-annually thereafter, the board of regents of the University of California shall hold, or cause to be held, such examination or examinations as they may deem proper to test the qualifications and fitness of applicants for certification and registration as registered nurses within the State of California. Such examinations shall be practical in character, and a reasonable notice designating the time and place thereof must be given by publication in at least two daily papers published within the State of California.

Sec. 2. All applicants for examination must furnish satisfactory evidence of good moral character and of having complied with the provisions of this act relative to qualifications; and any examiner may inquire of any applicant for examination concerning his or her character, qualifications or experience, and may take testimony in regard thereto, under oath, which he is hereby empowered to administer.

Sec. 3. All persons satisfactorily passing such examinations shall be granted by the board of regents of the University of California a certificate stating that he or she is a registered nurse within the State of California, and shall thereafter be known and styled as a registered nurse. The secretary of the said board of regents shall keep in his office a book showing the names of all persons to whom certificates as registered nurses have been granted. Graduates of all training schools for nurses which shall have been approved by the said board of regents may be certified as registered

- nurses, without examination, at any time within three years after the passage of this act, upon payment of the fee prescribed in section four hereof.

Sec. 4. Every person applying for examination, or for registration as a registered nurse, shall pay to the secretary of the said board of regents a fee of five dollars, which shall in no case be refunded. A certificate of registration shall be void three years after the date thereof, but a new certificate may be issued to the holder upon the payment of a fee of one dollar. All expenses incurred in carrying out the provisions of this act shall be paid from the fees and fines collected hereunder, and the surplus receipts, if any, shall be used to provide for education in nursing.

Sec. 5. (I) No person shall be eligible for examination or for registration as a registered nurse who shall not furnish satisfactory evidence of having graduated from a nurses' training school: (a) that is attached to a reputable hospital; (b) that gives a general training and a systematic, theoretical and practical course of study covering a period of at least two years; (c) and that has been approved by the board of regents of the University of California.

(II) After January 1st, 1908, no person shall be eligible for examination or for registration as a registered nurse, unless:

(a) He or she is at least twenty-one years of age;

(b) He or she is a graduate of a training school approved by the board of regents of the University of California, and after said date no school shall be approved or remain on the list of schools approved by said board of regents, unless it is attached to a general hospital, and its course requires a three years' training in that hospital, *provided* that a training school approved as aforesaid may graduate students who have spent a year therein subsequent to completing a two years' course in the training school attached to a special hospital.

(III) After January 1st, 1910, no person shall be eligible for examination or for registration unless he or she furnishes satisfactory evidence of having substantially completed the course of studies pursued in the grammar schools of the State of California, or an equivalent course.

Sec. 6. The board of regents of the University of California shall have power to revoke any certificate of registration for incompetency, dishonesty, intemperance, immorality or unprofessional conduct, after a full and fair investiga-

tion of the charges preferred against the accused. Prior to such hearing a written copy of such charges shall be furnished to the accused, who shall have at least twenty days' notice in writing of the time and place where such charge will be heard and determined.

Sec. 7. Any person procuring registration under this act, by false representation or who shall refuse to surrender a certificate of registration which has been revoked as set out in this act, or who shall use the title of "registered nurse," or append the letters "R. N." or any other words, letters or figures to indicate that the person using the same is a registered nurse, unless such person shall be lawfully entitled so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than five days nor more than six months, or by both such fine and imprisonment; *provided, however*, that nothing in this act contained shall be construed to prohibit or affect that gratuitous nursing of the sick, nor to nursing the sick for hire by a person who does not in any way assume to be a registered nurse.

OAKLAND.

ACT 2509.

Charter of. [Stats. 1889, p. 513.]

Supp. Cal. Rep. Cit. 145, 421; 145, 422; 145, 423; 145, 425; 145, 427.

OFFICERS.

ACT 2547.

To protect candidates for certain public offices, to prohibit certain acts by such candidates, and to provide a punishment for infractions of this law. [Stats. 1897, p. 53.]

Codified by amendment of Penal Code of 1905. See note to § 55a, Penal Code Supp.

This act prohibited the pledging of candidates or the giving of pledges by candidates.

This act appears in full in Political Code, 1903, Appendix, p. 1102.

ACT 2549.

To protect the wages of labor and the salaries and fees of subordinate officers. [Stats. 1871-2, p. 951.]

Codified by amendments of Penal Code, 1905. See notes to §§ 74a, 653d, Penal Code Supp.

This act appears in full in the Appendix to the Penal Code, 1903, p. 684. It made it a felony to receive or retain a portion of the wages of laborers employed upon public works or the fees or salaries allowed to subordinate officers.

ORPHAN ASYLUMS.

ACT 2594.

In relation to the care of orphan and abandoned children.
[Stats. 1873-4, p. 297.]

Amended 1877-8, 72.

Partly codified by amendment of Penal Code, 1905. See note to § 271a, Penal Code Supp.

This act required the quarterly publication of the names of children admitted and also provided as to what constituted an abandonment of children.

ACT 2595.

Appropriating money for support of orphans, half orphans, and abandoned children. [Stats. 1880, p. 13.]

Amended 1883, 57.

Supp. Cal. Rep. Cit. 139, 400; 139, 402; 139, 408.

PAUPERS.

ACT 2630.

Appropriation for support of aged persons in indigent circumstances. [Stats. 1883, p. 380.]

Repealed 1895, 23.

This act provided for a per capita appropriation for persons maintained in institutions.

Supp. Cal. Rep. Cit. 138, 59.

ACT 2631.

An act to provide for the maintenance and support, in certain cases, of indigent, incompetent, and incapacitated persons (other than persons adjudged insane and confined within state hospitals), becoming a public charge upon the counties or cities and counties within the state of California, and for the payment thereof into a fund for the maintenance and support of such persons.
[Approved March 23, 1901. Stats. 1901, p. 656.]

Supp. Cal. Rep. Cit. 143, 70.

PHARMACY.**ACT 2664.**

An act to regulate the practice of pharmacy in the State of California.

[Approved March 20, 1905. Stats. 1905, p. 535.]

Section 1. From and after the passage of this act it shall be unlawful for any person to manufacture, compound, sell, or dispense any drug, poison, medicine or chemical, or to dispense or compound any prescription of a medical practitioner, unless such person be a registered pharmacist or a registered assistant pharmacist within the meaning of this act, except as hereinafter provided. Every store, dispensary, pharmacy, laboratory or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the dispensing of prescriptions of medical practitioners, shall be in charge of a registered pharmacist. A registered assistant pharmacist may be left in charge of a store, dispensary, pharmacy, laboratory or office for the sale, dispensing, or compounding of drugs, medicines or chemicals or for the dispensing of prescriptions of medical practitioners only during the temporary absence of the registered pharmacist. Temporary absence within the meaning of this act shall be held to be only those unavoidable absences which may occur during a day's work, and when the registered pharmacist in charge shall be within immediate call, ready and able to assume the direct supervision of said pharmacy. No registered assistant shall conduct a pharmacy. Every store or shop where drugs, medicines or chemicals are dispensed or sold at retail, or displayed for sale at retail, or where prescriptions are compounded, which has upon it or in it as a sign, the words "pharmacist," "pharmaceutical chemist," "apothecary," "druggist," "pharmacy," "drugstore," "drugs," or any of these words, or the characteristic show-bottles or globes, either colored or filled with colored liquids, shall be deemed a "pharmacy" within the meaning of this act.

Sec. 2. Any person in order to be a registered pharmacist must be a licentiate in pharmacy, or a practicing pharmacist.

Sec. 3. Licentiates in pharmacy are persons who have had five years' experience in stores where the prescriptions of medical practitioners are compounded, and shall have passed an examination before the state board of pharmacy,

or who shall present satisfactory evidence to the said board that they have had twenty years' actual experience in the practice of pharmacy; *provided*, that graduates from a reputable college of pharmacy may be registered after eighteen years of like experience. Practicing pharmacists are persons, who at the passage of this act, are registered as such, and who shall have on or before the first day of January next succeeding the passage of this act paid to the board of pharmacy of this state all moneys due for renewal of registration as required by the acts of the legislature regulating the practice of pharmacy in the State of California, approved March 11th, 1891, and March 15th, 1901.

Sec. 4. Registered assistant pharmacists are persons who at the time of the passage of this act are already registered as such, and who shall have on or before the first day of January next succeeding the passage of this act paid to the board of pharmacy of this state all moneys due for renewal of registration as required by the acts of the legislature regulating the practice of pharmacy in the State of California, approved March 11th, 1891, and March 15th, 1901; *provided*, that no person shall be examined or registered as a licentiate, unless such person has had five years' pharmaceutical experience in a pharmacy under the supervision of a registered pharmacist; *and provided further*, that no person shall be examined or registered as an assistant pharmacist from and after the passage of this act; unless such person shall be not less than eighteen years of age and has had not less than three years instruction and experience in a pharmacy, under a registered pharmacist; or has been registered as an apprentice as provided in section 15 of this act for not less than three years; *and, provided further*, that an applicant for registration as an assistant pharmacist must first pass a satisfactory examination before the board of pharmacy.

Sec. 5. The governor shall appoint seven competent registered pharmacists, residing in different parts of the state, to serve as a board of pharmacy. The members of the board shall, within thirty (30) days after their appointment, individually take and subscribe before the county clerk, in the county in which they individually reside, an oath faithfully and impartially to discharge the duties prescribed by this act. They shall hold office for the term of four (4) years, and until their successors are appointed and have

qualified. In case of vacancy in the board of pharmacy, the governor shall fill the same by appointing a member to serve for the remainder of the term only. The office of the board shall be located in San Francisco. The board shall organize by electing a president, a secretary, and a treasurer. The secretary may or may not be a member of the board as the board in its sound discretion shall determine. The secretary and treasurer shall each give a satisfactory bond running to the board of pharmacy in a sum of not less than two thousand dollars, and such greater sum as the board may from time to time, require for the faithful discharge of their respective duties.

Sec. 6. It shall be the duty of the secretary to keep a book of registration open at the city of San Francisco, in which shall be entered under the supervision of the board, the names, titles, qualifications, and places of business of all persons coming under the provisions of this act. The secretary shall give receipts for all moneys received by him and pay the same to the treasurer of the board, taking his receipt for the same. The treasurer shall disburse the same by order of the board for necessary expenses, taking proper vouchers therefor. The balance of said money, after paying the expenses of the board, he shall pay to the state treasurer, who shall keep it in a special fund to be used in carrying out the provisions of this act. It shall be the duty of the secretary of the board to erase from the register the name of any registered pharmacist or assistant pharmacist who has died, or who in the opinion of the board has forfeited his right under the law to do business in this state. Besides the duties required by this act, it shall be the duty of the secretary to perform such other reasonable duties appertaining to his office, as may be required of him by the board of pharmacy. The secretary shall receive such compensation as may be fixed by the board of pharmacy, if he be a member of the board, then such compensation shall be in addition to his per diem as a member of said board.

Sec. 7. Four members of the board shall constitute a quorum. They shall meet at least quarterly.

Powers and duties of the board.

Subdivision 1. The state board of pharmacy shall have power:

(a) To make such by-laws and regulations, not inconsistent with the laws of this state, as may be necessary for

the protection of the public, appertaining to the practice of pharmacy and the lawful performance of its duties.

(b) To regulate the practice of pharmacy.

(c) To regulate the sale of poisons.

(d) To regulate the quality of all pharmaceutical preparations and medicines dispensed or sold in this state, using the United States Pharmacopœia as the standard.

(e) To investigate all complaints as to the quality and strength of all pharmaceutical preparations and medicines, and to take such action as may be necessary to prevent the sale of such as do not conform to the standard and tests prescribed in the latest edition of the United States Pharmacopœia.

(f) To employ inspectors of pharmacy, and to inspect during business hours all pharmacies, dispensaries, stores or places in which drugs, medicines and poisons are compounded, dispensed or retailed, and to cause the prosecution of all persons whenever there appears to the board to be reasonable grounds for such action.

(g) To examine and register as pharmacists and assistant pharmacists all applicants whom it shall deem qualified to be such. All persons applying for registration, under this act, shall pay the following fees therefor to the secretary of the board of pharmacy: Applicants for registration on experience and credentials, upon being registered as such, \$20.00; for examination as licentiate, whether the applicant is successful or not, \$5.00; for assistants applying for a licentiate's certificate under section 4 of this act, \$5.00. If registration be granted, each of such persons shall be furnished with a certificate of registration, signed by the secretary, and the members of the board.

Sec. 8. No member of the board shall teach pharmacy in any of its branches, unless it be as a teacher in a public capacity and in a college of pharmacy. The members of the board of pharmacy shall each be paid the sum of eight dollars per diem for every meeting of the board which they attend, together with their necessary expenses, and mileage at the rate of five cents per mile for each mile necessarily traveled. All compensation of members and all other expenses of the board, shall be paid out of the examination and registration fees and fines.

Sec. 9. Every registered pharmacist, and every assistant pharmacist, who desires to retain his registration on the books of the board of pharmacy in this state, shall annually,

after the expiration of the first year's registration and on or before the first day of July of each succeeding year, pay to the secretary of the board of pharmacy, a renewal fee, to be fixed by the board, which shall not exceed two dollars for registered pharmacists, and one dollar for assistant pharmacists, in return for which fee a renewal certificate of registration shall be issued. In case any person defaults in the payment of said fee, his registration, may be revoked by the board of pharmacy on sixty days' notice, in writing from the secretary, unless within said time the fee is paid, together with such penalty not exceeding ten dollars, as the board may impose. Upon payment of said fee and penalty, the board must reinstate the delinquent's registration. No person having received, or who may hereafter receive a certificate of registration as a pharmacist, or assistant pharmacist, shall engage in business as a pharmacist or assistant pharmacist, in any county of this state in which he shall locate, or into which he shall afterward remove, until he shall have had such certificate recorded in the office of the county clerk of such county, and it is hereby made the duty of the county clerk to record such certificate in a book to be provided and kept for that purpose, and the county clerk is authorized to charge a fee of fifty cents for the recording of such certificate—to be paid by the person offering such certificate for record. Every pharmacist or assistant pharmacist holding a certificate of registration as a pharmacist, or assistant pharmacist, and being engaged in business as a pharmacist, or assistant pharmacist, shall have such certificate recorded, as is in this section provided, within thirty days after the taking effect of this act. The record of the certificate required by this section, or a certified copy thereof, shall be evidence in all courts that the person holding it, was registered as evidenced by said certificate on the date of the same. Any registered pharmacist or assistant pharmacist failing to comply with the foregoing provisions shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than twenty-five dollars. Upon the certificate being recorded, as herein provided, it shall be the duty of the county clerk to notify the secretary of the board of pharmacy of the name of the party and the date of such record.

Sec. 10. Every person upon receiving a certificate of registration under this act, or who has heretofore received

a certificate of registration in this state, shall keep his last receipt for re-registration, conspicuously exposed in his place of business. Every registered pharmacist, and assistant pharmacist, shall within thirty days after the changing of his place of business as designated on the books of the board of pharmacy, notify the secretary of the board of his new place of business, and upon receipt of said notification, the secretary shall make the necessary change in his register.

Sec. 11. Every proprietor or manager of a pharmacy or drug-store shall be held responsible for the quality of all drugs, chemicals and medicines sold or dispensed by him, except those sold in the original package of the manufacturer, and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, willfully, or fraudulently, falsify, or adulterate or cause to be falsified or adulterated, any drug or medicinal substance, or any preparation authorized or recognized by the pharmacopœia of the United States, or used, or intended to be used in medical practice, or shall mix, or cause to be mixed, with any such drug or medicinal substance, any foreign or inert substance whatever, for the purpose of destroying or weakening its medicinal power and effect, or of lessening its cost, and shall willfully, knowingly, or fraudulently sell the same, or cause it to be sold, for medicinal purposes, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, and not more than two hundred dollars, or by imprisonment for not less than fifty days and not more than two hundred days, or by both such fine and imprisonment. Every registered pharmacist shall file, or cause to be filed, all physicians' prescriptions, or a copy thereof, compounded or dispensed in his pharmacy or store. They shall be preserved for at least two years, and he shall furnish a correct copy of any prescription, only under the order or request of the physician writing the same. Any person who shall willfully violate any of these provisions shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine not exceeding fifty dollars; and for each subsequent offense shall be liable to a fine of not less than fifty dollars, and not more than one hundred dollars. The state board of pharmacy may at any time when in their judgment it appears advisable, depute one of their members, or any other competent per-

son to investigate any suspected violation of any of the provisions of this act and if the result of such investigation seems to the board to justify such action, the board shall cause the prosecution of any person violating any of the provisions of this act.

Sec. 12. Any person who shall attempt to procure registration for himself or any other person under this act by making or causing to be made any false representations, or who shall fraudulently represent himself to be registered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding fifty days, or by both such fine and imprisonment. Any person who shall permit the compounding or dispensing of prescriptions of medical practitioners, or the selling of drugs and medicines, in his store or pharmacy by persons not registered, except under the direct supervision of a registered pharmacist, or any person not registered who shall retail medicines or poisons or chemicals, except in a pharmacy under the direct supervision of a registered pharmacist, or any person violating any of the provisions of this act, when no other penalty is provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to punishment by a fine not less than twenty dollars, and not more than one hundred dollars, or by imprisonment for a term not exceeding fifty days, or by both such fine and imprisonment. All fines recovered under this act, shall be paid by the magistrate receiving the same, to the state board of pharmacy. Any person convicted of violating the provisions of this act a third time, shall in addition to the penalties hereinbefore mentioned have his registration as a pharmacist canceled. Nothing in this act shall apply to or interfere with any practitioner of medicine, who is duly registered as such by the state board of medical examiners of this state, with supplying his own patients, as their physician, and by them employed as such, with such remedies as he may desire, and who does not keep a pharmacy, open shop, or drug-store, advertised or otherwise, for the retailing of medicines or poisons, nor does this act apply to the exclusively wholesale business of any dealer, nor do general dealers come under the provisions of this act, in and so far as it relates to the keeping for sale of proprietary medicines, in original packages. Nor does this act apply to

registered or copyrighted proprietary medicines registered in the United States patent office, nor to the manufacture of proprietary remedies or the sale of the same in original packages, by persons other than pharmacists.

Sec. 13. Any proprietor of a pharmacy, who not being a registered pharmacist, shall fail or neglect to place in charge of such pharmacy a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding or dispensing of prescriptions, or the vending of drugs, medicines, or poisons, in his store or place of business, except by or in the presence and under the direct supervision of a registered pharmacist, or any person, not being a registered pharmacist, who shall take charge of or act as manager of such pharmacy, or store, or who, not being a registered pharmacist, retails, compounds, or dispenses drugs, medicines, or poisons, shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty dollars, and not more than one hundred dollars, or by imprisonment for a term not exceeding fifty days, or to both such fine and imprisonment.

Sec. 14. Any member of the board of pharmacy may examine applicants orally or in writing, and issue a temporary certificate to practice pharmacy, which shall authorize such practice and be valid, not to exceed three months from its date. Only one temporary certificate shall ever be issued to the same applicant, and no temporary certificate shall be granted to any person whose application has been acted upon by the board. The member conducting such examination as herein set forth, shall be entitled to charge and receive the sum of three dollars for his services, said moneys to be paid to the secretary for the board of pharmacy.

Sec. 15. It shall be the duty of all registered pharmacists who take into their employment an apprentice, whose purpose is to become a pharmacist, to report to the board of pharmacy such facts regarding his schooling and preliminary qualifications as the board of pharmacy may require, for the purpose of registration as an apprentice. The board of pharmacy shall adopt a standard of qualifications regarding schooling and preliminary education for all persons desiring to be regarded as apprentices, as provided for in this section. The pharmaceutical experience of every apprentice shall, after the passage of this act, be deemed to begin on the date on which he began the study

of pharmacy, and such date shall be inserted in the certificate of registration of said apprentice, provided the preliminary qualifications have been found satisfactory by the board. Sworn testimony shall be furnished the board upon which they shall determine the date as aforesaid. The date so determined and entered as aforesaid, shall be deemed to be the beginning of the applicant's pharmaceutical experience for the purposes of this act; *provided*, that students matriculated and attending any reputable college of pharmacy, shall be registered as apprentices, upon such fact being shown. The board of pharmacy shall keep a register for the registration of apprentices and furnish on application, proper blanks for this purpose. No apprentice shall be permitted to sell drugs, or medicines, or compound prescriptions, except under the direct, immediate, and personal supervision of a registered pharmacist. No registered apprentice shall ever be left in charge of a pharmacy.

Sec. 16. The board of pharmacy may in its discretion, issue a permit to general dealers in rural districts, in which the conditions, in their judgment, do not justify the employment of a registered pharmacist, and where the store of such general dealer is not less than five miles distant from the store of a registered pharmacist; which said permit shall authorize the person or firm named therein to sell such ordinary drugs and ordinary household remedies, and in such manner and form, as the board may from time to time specify, in said district but not elsewhere, under such regulations and restrictions as said board may from time to time adopt. The board shall charge an annual fee of twelve dollars, in advance, for such permit, and it shall be unlawful for any dealer to sell any drugs or ordinary household remedies, without complying with the requirements of this section. Whenever a registered pharmacist shall establish a pharmacy within five miles, by the shortest road, from the place of business of such general dealer, no further license shall be granted, and the license already issued shall become void; and the board shall refund to said general dealer the proper proportion of the unexpired license-fee paid to the board of pharmacy.

Sec. 17. It shall be the duty of the board of pharmacy, by resolution, at least annually to request of the chief of police or marshal of every incorporated city in this state, a list of all drug-stores, together with the names of the owners, managers, and all employés in said stores, and a

brief statement of the capacity in which said persons are employed in said stores. Upon such request in writing, it shall be the duty of the chief of police or marshal of said city, to require the patrolmen under his command, upon their respective beats, to obtain such list as is in this section specified, and deliver the same to the board of pharmacy. It shall be the duty of the owner or manager of any drug-store when called upon by an officer as above set forth, or by a member of the board of pharmacy, to furnish said officer or member of the board of pharmacy with the information required. Any person refusing to furnish information, or willfully furnishing information that is false and untrue, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars and not more than twenty dollars, or by imprisonment for not less than ten days, and not more than twenty days, or by both such fine and imprisonment.

Sec. 18. The several penalties prescribed in this act may be recovered in any court having jurisdiction, by a civil action instituted by the board of pharmacy, in the name of the State of California, or by criminal prosecution upon complaint being made; and it shall be the duty of the district attorney of the county wherein violations of the provisions of this act occur, to conduct all such actions and prosecutions at the request of the board.

Sec. 19. All persons registered under this act shall be exempt and free from jury duty.

Sec. 20. This act shall take effect July 1, 1905, and all laws in conflict with this act, (in and so far as they conflict) are hereby repealed.

ACT 2665.

An act to regulate the work and hours of employes engaged in selling, at retail, drugs and medicines, and compounding physicians' prescriptions, and providing a penalty for the violation thereof.

[Approved February 28, 1905. Stats. 1905, p. 28.]

Section 1. As a measure for the protection of public health, no person employed by any person, firm or corporation, shall for more than an average of ten hours a day or sixty hours a week of six consecutive calendar days, perform the work of selling drugs or other medicines, or com-

pounding physicians' prescriptions, in any store, establishment or place of business, where and in which drugs or medicines are sold, at retail, and where and in which physicians' prescriptions are compounded; *provided* that the answering of and attending to emergency calls shall not be construed as a violation of this act.

Sec. 2. No person, firm or corporation employing another person to do work which consists wholly or in part of selling, at retail, drugs or medicines, or of compounding physicians' prescriptions, in any store, or establishment or place of business where or in which medicines are sold and where and in which physicians' prescriptions are compounded shall require or permit said employed person to perform such work for more than an average of ten hours a day, or sixty hours a week of six consecutive calendar days.

Sec. 3. Any person, firm or corporation violating any of the provisions of this act shall be deemed guilty of misdemeanor and shall be punished therefor by a fine not less than twenty dollars nor more than fifty dollars, or by imprisonment for not exceeding sixty days, or by both such fine and imprisonment, at the discretion of the court.

Sec. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

ACT 2667.

An act to regulate the practice of pharmacy and sale of poisons in the State of California. [Stats. 1901, p. 299.]

Probably superseded by act of 1905, p. 535, to regulate the practice of pharmacy. See ante, Act 2664.

This act appears in full in General Laws, 1903, p. 985.

POISONS.

ACT 2723.

To regulate the sale of certain poisonous substances. [Stats. 1880, p. 102.]

Codified by amendment of Penal Code, 1905. See note to § 347a, Penal Code Supp.

This act appears in full in the Appendix to the Penal Code, 1903, p. 641.

POLICE COURTS.

ACT 2741.

An act to establish police courts in cities of the first and one half class, to fix their jurisdiction and provide for

officers of said courts and fix the compensation of certain officers thereof. [Stats. 1901, p. 95.]

Amended 1903, 320, 335; 1905, 41.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 997.

ACT 2742.

An act to establish police courts in cities of the second class, to fix their jurisdiction, and provide for officers of said courts, and fix the compensation of certain officers thereof. [Stats. 1901, p. 576.]

Amended 1905, 634.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 1000.

PRESTON SCHOOL OF INDUSTRY.

ACT 2753.

To establish the Preston school of industry, and to provide for the management and maintenance of the same. [Stats. 1889, p. 100.]

Amended 1893, 39.

This act appears in full in Penal Code, 1903, Appendix, p. 657.

Supp. Cal. Rep. Cit. 138, 493; 138, 494; 138, 495.

ACT 2755.

To prevent evil-disposed persons from coming upon the grounds of the Whittier state school or the Preston school of industry. [Stats. 1895, p. 92.]

In full in Penal Code, 1903, Appendix, p. 688.

See post, Act 4409.

PRISONS.

ACT 2763.

To regulate and govern the state prisons. [Stats. 1889, p. 404.]

Amended 1905, 520.

The amendment of 1905 incorporates § 1593, Penal Code. See note to § 1573, Penal Code Supp.

This act, with the exception of the amendment of 1905, appears in full in Penal Code, 1903, Appendix, p. 691.

Supp. Cal. Rep. Cit. 145, 186; 145, 187; 145, 188; 145, 189.

ACT 2776.

An act to establish a state hospital for the care, custody and maintenance of insane convicts and certain other

insane persons charged with the commission of a felony, near Folsom, California, and to provide for the government and management thereof, and to direct the expenditure of money heretofore appropriated by an act entitled "An act to provide for the erection at Folsom State Prison of a building for the accommodation of insane prisoners, and making an appropriation therefor," approved March 26, 1903, and declaring that the same may be used and expended for the purposes of this act, and making an additional appropriation of fifteen thousand dollars for certain improvements. [Approved March 18, 1905. Stats. 1905, p. 229.]

ACT 2777.

An act making an appropriation for the erection and construction of additional cells at the state prison at Folsom, the erection of a wall around said prison, the purchase of necessary cement, derricks and tools and other expenses incidental and relating to the purposes in this act mentioned. [Approved March 18, 1905. Stats. 1905, p. 178.]

ACT 2778.

An act making an appropriation for the erection and construction of additional cells at the state prison at San Quentin, for the purchase of powder, tools and appliances for excavating, the erection of machine shops, the installation of a new pipe line, the construction of iron tanks, the erection and extension of a wall around said prison, the purchase of electrical apparatus, and providing additional accommodations for prisoners at the state prison at San Quentin and for other expenses incidental and relating thereto. [Approved March 18, 1905. Stats. 1905, p. 203.]

PROSTITUTION.**ACT 2796.**

To prevent the placing, keeping, or leaving of married women in houses of prostitution. [Stats. 1891, p. 285.]

Codified by amendment of Penal Code, 1905. See note to § 266g, Penal Code Supp.

This act appears in full in the Penal Code, 1903, Appendix, p. 654.

ACT 2797.

To prevent compulsory prostitution of women, and the importation of Chinese or Japanese women for immoral purposes, and to provide penalties therefor. [Stats. 1893, p. 217.]

Codified by amendments of Penal Code, 1905. See note to § 266a, Penal Code Supp.

This act appears in full in the Penal Code, 1903, Appendix, p. 653.

PUBLIC BUILDINGS.**ACT 2815.**

Public buildings and structures, regulating erection of. [Stats. 1871-2, p. 925.]

Superseded as to state officers and works, 1875-6, 427.

Supp. Cal. Rep. Cit. 141, 395.

ACT 2816.

State, contracts in behalf of, in relation to buildings. [Stats. 1875-6, p. 427.]

See post, Act 2897.

PUBLIC HEALTH.**ACT 2834.**

To protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor. [Stats. 1883, p. 280.]

Partly codified by amendment of Penal Code, 1905. See note to § 1615, Penal Code Supp.

This act authorized the cutting of the hair of persons convicted of a misdemeanor. It appears in full in Penal Code, 1903, Appendix, p. 719.

ACT 2840.

An act to encourage and provide for a general vaccination in the state of California. [Approved February 20, 1889. Stats. 1889, p. 32.]

This act appears in full in General Laws, 1903, p. 1033.

Supp. Cal. Rep. Cit. 143, 661.

PUBLIC INSTITUTIONS.**ACT 2843.**

An act. An act providing for the exchange of commodities between the public institutions owned or managed and

controlled by the state, or the political divisions thereof.

[Approved March 18, 1905. Stats. 1905, p. 185.]

Section 1. It shall be the duty of the state board of examiners, within six months after the passage of this act, to arrange, so far as may be practical, for an exchange of surplus products, either manufactured or natural, between the several public institutions owned or managed and controlled by the state, or the political divisions thereof.

Sec. 2. It shall be the duty of the state board of examiners to so distribute and arrange, with the assistance of the boards of managers, directors or trustees of the several institutions referred to in section 1 of this act, the labor and industry of their inmates that it will prove conducive to their mutual assistance, with a view of advancing the economic management of all the institutions owned or managed and controlled by the state, or the political divisions thereof; and all such surplus products shall not be sold or disposed of to any individual, corporation or association not connected with the state, or any political division thereof, so long as there shall be any demand for any such products by any public institutions owned or managed and controlled by the state, or the political divisions thereof.

Sec. 3. In estimating the value of such articles for the purpose of such exchange or sale between public institutions, the cost of producing or raising such products, with ten per cent added, shall be the sale price thereof.

Sec. 4. Each institution shall notify the state board of examiners what surplus products they have to dispose of, as set forth in this act, and the state board of examiners shall notify all the other institutions owned or managed and controlled by the state, or the political divisions thereof, that such articles can be procured and where, and thereupon the provisions of section 2 of this act shall become effective, and the state board of examiners shall allow no claims for the purchase of any products from any individual, corporation or association so long as the same might have been procured from a state institution after it had been duly notified of that fact.

Sec. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

PUBLIC LANDS.

ACT 2847.

Prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States. [Stats. 1850, p. 203.]

Repealed by act of 1852, p. 158.

Supp. Cal. Rep. Cit. 139, 377.

ACT 2852.

For the better protection of settlers on the public lands of the United States and for the protection and encouragement of persons desirous of settling thereon. [Stats. 1837, p. 147.]

Codified by amendment of Penal Code, 1905. See note to § 420, Penal Code Supp.

ACT 2855.

To provide for the management and sale of lands belonging to the state. [Stats. 1867-8, p. 507.]

Amended 1869-70, 14, 814, 875. Supplemented 1869-70, 878. Amended 1871-2, 383, 668, 685, 858.

Supp. Cal. Rep. Cit. 140, 279; 141, 446; 144, 211; 144, 212; 144, 213; 144, 643; 144, 644; 144, 646.

ACT 2860.

To provide for applications for the purchase of sixteenth and thirty-sixth sections, to regulate the application for the purchase of such sections, and requiring a deposit to accompany all applications for the purchase of the same. [Stats. 1889, p. 434.]

Supp. Cal. Rep. Cit. 139, 626.

ACT 2872.

To enable purchasers of state lands to redeem them where their titles have been or may hereafter be foreclosed for non-payment of interest. [Stats. 1881, p. 65.]

Supp. Cal. Rep. Cit. 144, 425.

PUBLIC WORKS.

ACT 2897.

An act to regulate contracts on behalf of the state, in relation to erections and buildings. [Stats. 1875-6, p. 427.]

Amended 1891, 457; 1895, 237; 1905, 416.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 1050.

ACT 2900.

An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this state, for the construction of water-works, sewers, and all necessary public improvements, or for any purpose whatever, and to repeal the act approved March 9, 1885, entitled "An act to authorize municipal corporations of the fifth class, containing more than three thousand and less than ten thousand inhabitants, to obtain water-works"; also to repeal an act approved March 15, 1887, entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, incorporated under the laws of this state." [Approved March 19, 1889. Stats. 1889, p. 399.]

Amended 1891, 84, 94, 132; 1893, 91.

This act appears in full in General Laws, 1903, p. 1061.

Supp. Cal. Rep. Cit. 138, 243; 142, 699; 142, 700; 142, 701; 144, 393.

RAILROADS.

ACT 2917.

Permitting and authorizing railway and other corporations organized under the laws of this state, or of any state or territory, or any act of congress, to do business in this state on equal terms. [Stats. 1880, p. 21.]

Partly codified by amendments of Civil Code, 1905. See notes to §§ 405, 473a, Civil Code Supp.

This act also authorized one railroad corporation to lease the road of another corporation and to acquire the lease of its road. It is contained in full in the Civil Code, 1903, Appendix, p. 764.

ACT 2921.

Concerning the powers of the railroad commissioners.
[Stats. 1880, p. 45.]

Partly codified by amendment of Civil Code, 1905. See note to § 489, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 766.

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ACT 2924.

Relating to the operation of railroads. [Stats. 1893, p. 208.]

Codified by amendment of Civil Code, 1905. See note to § 465a, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 772. It authorized railroads using steam to use electricity or steam, or both, provided that in incorporated cities of more than 5,000 inhabitants authority must be obtained.

ACT 2925.

To compel the operation of railroads. [Stats. 1880, p. 43.]

Codified by amendment of Civil Code, 1905. See note to § 468, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 765.

ACT 2926.

To provide for the management and operation of railroads above certain elevations. [Stats. 1897, p. 5.]

Codified by amendment of Civil Code, 1905. See note to § 468, Civil Code Supp.

This act appears in full in Civil Code, 1903, Appendix, p. 765.

ACT 2932.

To promote the safety of employes and passengers upon street railroads, by compelling equipment of cars and dummies with fenders and brakes, and to prescribe penalties. [Stats. 1899, p. 183.]

Codified by amendment of Penal Code, 1905. See note to § 369a, Penal Code Supp.

RECLAMATION DISTRICTS.**ACT 2941:**

An act to create a reclamation district, to be called "Reclamation district number seventy," and providing for the control and management thereof. [Approved March 21, 1905. Stats. 1905, p. 717.]

ACT 2973.

To subject certain reclamation districts to the provisions of the Political Code. [Stats. 1885, p. 77.]

This made districts organized prior to January 1, 1873, subject to the provisions of the code.

Supp. Cal. Rep. Cit. 144, 644; 144, 646.

SALINAS CITY.

ACT 3087.

Reincorporating. [Stats. 1875-6, p. 94.]

Amended 1895, 206.

Superseded by charter 1903, p. 599.

SAN BERNARDINO CITY.

ACT 3110.

Charter of. [Stats. 1905, p. 940.]

SAN DIEGO CITY.

ACT 3145.

Charter of. [Stats. 1889, p. 643.]

Amended 1895, 901.

Supp. Cal. Rep. Cit. 141, 318; 141, 320.

SAN DIEGO COUNTY.

ACT 3174.

An act providing for authority to use the tide waters of the entrance to "False Bay" in San Diego County, and certain lands adjacent thereto, to propel machinery: and to permit the erection and maintenance of structures for the installation, maintenance and operation of such machinery: and fixing the charge therefor. [Approved March 20, 1905. Stats. 1905, p. 294.]

SAN FRANCISCO.

ACT 3177.

Charter of San Francisco. [Stats. 1899, p. 241.]

Amended 1903, 583.

Supp. Cal. Rep. Cit. 139, 230; 139, 231; 139, 232; 139, 454; 145, 175; 145, 179; 145, 686.

ACT 3203.

Relative to coroners in. [Stats. 1871-2, p. 403.]

Amended 1873-4, 908; 1875-6, 397.

Codified in part by amendments of Penal Code, 1905. See notes to §§ 1510, 1511a, 1511b, 1512, 1514a, Penal Code Supp.

ACT 3217.

Concerning the fees of jurors and witnesses in the city and county of San Francisco. [Stats. 1863-4, p. 365.]

Repealed by act of 1865-6, 122. The repealing act was in turn repealed by the statute of 1903.

Repealing act, cited, 138, 272.

ACT 3221.

Reorganizing and regulating the paid fire department of.
[Stats. 1877-8, p. 685.]

Superseded by charter of that city.

Supp. Cal. Rep. Cit. 139, 229; 139, 230; 139, 231.

ACT 3282.

To create a police court. [Stats. 1889, p. 62.]

Supplemented 1893, 9. Superseded by the charter of that city,
c. 8, art. V.

Supp. Cal. Rep. Cit. 145, 147.

Supplemental act also cited, 145, 747.

ACT 3332.

To ratify and confirm the Van Ness ordinance. [Stats. 1858,
p. 52.]

Supp. Cal. Rep. Cit. 139, 389; 139, 548; 139, 549.

ACT 3346.

An act to regulate fees in the city and county of San Francisco. [Approved February 9, 1866. Stats. 1865-6, p. 66.]

Repealed 1905, 387.

SANITARY DISTRICTS.**ACT 3349.**

"An act to provide for the formation, government, operation, and dissolution of sanitary districts in any part of the state, for the construction of sewers, and other sanitary purposes; the acquisition of property thereby; the calling and conducting of elections in such districts; the assessment, levy, collection, custody, and disbursement of taxes therein; the issuance and disposal of the bonds thereof, and the determination of their validity, and making provision for the payment of such bonds, and the disposal of their proceeds." [Approved March 31, 1891. Stats. 1891, p. 223.]

Amended 1893, 88; 1895, 85; but this amendment declared unconstitutional (In re Werner, 129 Cal. 567); also amended 1901, 633; 1903, 121; 1905, 94.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 1117.

The amendatory act of 1905, referred to the act as having been approved in 1901. As this is the only act on the subject, it was evidently the intention of the legislature to amend this act.

SAN JOAQUIN COUNTY.

ACT 3366.

An act to provide one (1) additional judge of the superior court of the county of San Joaquin, State of California; for the manner of his election and for his compensation. [Approved March 18, 1905. Stats. 1905, p. 100.]

SAN JOSE.

ACT 3375.

Charter of San Jose. [Stats. 1897, p. 592.]
Amended 1905, 684.

Supp. Cal. Rep. Cit. 141, 660; 141, 663; 145, 247.

ACT 3376.

Act to reincorporate. [Stats. 1871-2, p. 333.]
Repealed 1873-4, 419.

Supp. Cal. Rep. Cit. 141, 662; 141, 663.

ACT 3377.

Reincorporating. [Stats. 1873-4, p. 395.]
Amended 1875-6, 627; 1877-8, 289, 846; 1891, 97. Superseded by the charter of San Jose, 1897, 593.

Supp. Cal. Rep. Cit. 141, 663.

SANTA BARBARA CITY.

ACT 3449.

Charter of. [Stats. 1899, p. 448.]
Amended 1905, 929.

Supp. Cal. Rep. Cit. 140, 558; 140, 559; 142, 670.

SANTA CLARA CITY.

ACT 3473.

Act to reincorporate. [Stats. 1871-2, p. 251.]
Amended and sections added, 1873-4, 591.

Supp. Cal. Rep. Cit. 143, 554.

SANTA CLARA COUNTY.

ACT 3498.

Santa Clara Avenue, providing for opening and improving. [Stats. 1871-2, p. 370.]

Amended 1873-4, 538. Repealed 1877-8, 291.

Supp. Cal. Rep. Cit. 141, 662; 141, 663.

SANTA' ROSA.

ACT 3529.

Charter of. [Stats. 1903, p. 703.]

A new charter was adopted in 1905, Stats. 1905, p. 867.

Supp. Cal. Rep. Cit. 142, 301.

SCHOOLS.

ACT 3535.

An act to provide for the purchase of a site, for the erection, equipment, and furnishing of a building or buildings, and for the improvement of grounds, for the use of the San Francisco State Normal School; and making an appropriation therefor. [Approved March 3, 1905. Stats. 1905, p. 38.]

ACT 3536.

An act to provide for the registration of bonds issued by common school, high school, or union high school districts.

[Approved March 18, 1905. Stats. 1905, p. 123.]

Section 1. Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by any common school, high school, or union high school districts now or hereafter existing in this state, shall present any such bond to the treasurer or other officer of the county in which said district is located, who by law performs the duties of treasurer, with a request for the conversion of such bond into a registered bond, such treasurer, or such other officer, shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond, or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to such treasurer, or such other officer, and the bond be again registered as before, a similar statement being stamped, printed, or written thereon. Such statement stamped,

printed, or written upon such bond may be in substantially the following form:

(Date, giving, month, year, and day.)

This bond is registered pursuant to the statute in such cases made and provided in the name of.....
(here insert name of owner) and the interest and principal thereof are hereafter payable to such owner.

.....

Treasurer (or such other officer).

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such treasurer, or such other officer, shall keep in his office a book or books which shall at all times show what bonds are registered and in whose names respectively.

Sec. 2. Whenever under any statute or law of this state any bonds are issued, whether the proceedings for the issuance of such bonds have been had in whole or in part prior to the enactment of this statute, or whether the same have been had in whole or in part after the enactment of this statute, such bonds may be issued either in the form of coupon bonds, or in the form of registered bonds, or some in the form of coupon bonds, and some in the form of registered bonds, as has been or hereafter may be provided in the proceedings for the issuance of such bonds, and notwithstanding any language or provision to the contrary contained in any such statute authorizing the issuance of the bonds, or in any other law of the state. The provisions of section one of this act shall apply to coupon bonds, so issued, as well as to other coupon bonds, or other bonds payable to bearer.

ACT 3537.

An act confirming the organization of school districts.

[Approved March 18, 1905. Stats. 1905, p. 243.]

Section 1. All school districts in this state that for a period of five (5) years have been acting as school districts under the laws of this state, are hereby declared to be duly incorporated and to be bodies politic under the laws of this state, and as such school districts, under their appropriate names, shall have all the rights and privileges and be subjected to all of the duties and obligations of duly incorporated school districts.

Sec. 2. This act shall take effect immediately.

ACT 3549.

For the establishment of high schools in the state of California. [Stats. 1891, p. 182.]

Repealed 1893, 276.

Supp. Cal. Rep. Cit. 140, 557; 140, 558; 140, 559; 140, 560; 140, 561.

ACT 3553.

An act creating a fund for the benefit and support of high schools and providing for its distribution. [Approved March 2, 1903. Stats. 1903, p. 64.]

Repealed 1905, 62. See post, Act 3553a.

This act appears in full in General Laws, 1903, p. 1147.

ACT 3553a.

An act creating a fund for the benefit and support of high schools and providing for its distribution, and repealing an act entitled "An act creating a fund for the benefit and support of high schools and providing for its distribution," approved March 2, 1903. [Approved March 6, 1905. Stats. 1905, p. 58.]

ACT 3574.

An act to enforce the educational rights of children and providing penalties for violation of the act. [Stats. 1903, p. 388.]

Amended 1905, 388.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 1190.

SHASTA COUNTY.**ACT 3599.**

An act to increase the number of judges of the superior court of the county of Shasta, State of California, and for the appointment of such additional judge. [Stats. 1905, p. 315.]

SOLDIERS AND SAILORS.**ACT 3692.**

An act permitting all ex-Union soldiers and sailors of the civil war, honorably discharged from the military or marine service of the United States, the right to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, in-

corporated city or municipality in the State of California, without paying a license.

[Approved March 20, 1905. Stats. 1905, p. 307.]

Section 1. That on and after the passage of this act all ex-Union soldiers and sailors, honorably discharged from the military or marine service of the United States, shall be permitted to vend, hawk, and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality within this state without a license: *provided*, said soldier or sailor is engaged in the vending, hawking and peddling of the goods, wares, fruits or merchandise for himself only.

Sec. 2. Upon the presentation of his certificate of discharge to the license collector of any county, town, village, incorporated city or municipality in this state, and showing proofs of his identity as the person named in his certificate of honorable discharge, the license collector shall issue to said ex-Union soldier or sailor a license, but such license shall be free, and said license collector shall not collect or demand for the county, town, village, incorporated city or municipality any fee therefor; *provided*, that nothing in this act shall authorize said soldiers or sailors to sell intoxicating liquors.

Sec. 3. This act shall take effect and be in force from and after its passage.

ACT 3696.

To prevent the sale of intoxicating liquors in the immediate vicinity of soldiers' homes. [Stats. 1895, p. 161.]

Codified by amendment of Penal Code, 1905. See note to § 172, Penal Code Supp.

STALLIONS.

ACT 3749.

To provide for the keeping of stallions and jacks. [Stats. 1871-2, p. 63.]

Codified by amendment of Penal Code, 1905. See note to § 597g, Penal Code Supp.

This act prescribed limits for the keeping of stallions and jacks unless they were inclosed from view.

STATE.

ACT 3791.

To authorize suits against the state, and regulating the procedure therein. [Stats. 1893, p. 57.]

This act appears in full in Code of Civil Procedure, 1903, Appendix, p. 784.

Supp. Cal. Rep. Cit. 138, 385; 139, 404; 139, 405; 139, 409; 144, 690; 144, 691; 144, 692.

ACT 3792.

An act authorizing suits against the state on claims or demands arising under an act of the legislature entitled "An act fixing a bounty on coyote scalps," approved March 31, 1891, and regulating the procedure therein. [Approved March 23, 1901. Stats. 1901, p. 647.]

This act appears in full in General Laws, 1903, p. 1220.

Supp. Cal. Rep. Cit. 141, 355; 141, 356; 144, 683; 144, 688; 144, 689; 144, 690; 144, 692; 144, 693; 144, 699; 144, 701; 144, 741; 144, 746.

STATE CAPITOL.

ACT 3807.

An act authorizing and directing the board of state capitol commissioners to remodel and repair the state capitol building, making the same fire proof, rendering all space therein available, and making an appropriation therefor. [Stats. 1905, p. 177.]

STATE LANDS.

ACT 3825.

An act forfeiting to the State of California all payments for state lands where a fraudulent title was sought to be obtained thereto.

[Approved March 20, 1905. Stats. 1905, p. 388.]

Section 1. Whenever it shall appear by final decree of any court of competent jurisdiction that title to any lands subject to sale by the State of California was obtained, or sought to be obtained, by fraudulent means, or in any manner contrary to the laws of this state relating to the acquisition of its public domain, all payments made in the interest of said fraudulent title shall revert to the State of California without suit, and it shall thereupon become the duty of the state surveyor-general and ex-officio register of the state land office to cancel all evidence of title to any land embraced in such fraudulent or invalid location, and to restore said land to public entry.

Sec. 2. This act shall take effect from and after the date of its passage.

ACT 3835.

An act to enable purchasers of state lands to redeem the same, where their titles have been or may hereafter be foreclosed for nonpayment of interest. [Approved March 7, 1881. Stats. 1881, p. 65.]

See ante, Act 2872.

STATE PRISONS.**ACT 3856.**

To regulate and govern. [Stats. 1889, p. 404.]

Amended 1905, 724.

See ante, Act 2763.

STREETS.**ACT 3929.**

An act to provide for local improvements upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities, such act to be known as "The Local Improvement Act of 1901." [Became a law under constitutional provision without governor's approval, February 26, 1901. Stats. 1901, p. 34.]

This act appears in full in General Laws, 1903, p. 1265.

Supp. Cal. Rep. Cit. 142, 700.

ACT 3930.

An act to provide for work upon streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers within municipalities. [Approved March 18, 1885. Stats. 1885, p. 147.]

Amended 1887, 148; 1889, 157; 1891, 116, 196, 461; 1893, 83, 89, 172; 1899, 23; 1903, 88.

§§ 2 and 3, amended 1905, pp. 15 and 63.

This act, with the exception of the amendments of 1905, appears in full in General Laws, 1903, p. 1279.

Supp. Cal. Rep. Cit. 138, 29; 138, 30; 138, 54; 138, 55; 138, 123; 142, 691; 142, 693; 142, 696; 142, 700; 143, 428; 144, 377; 144, 379; 144, 380; 144, 381; 144, 382; 145, 180; 145, 261; 145, 583; 145, 584.

ACT 3931.

An act to provide for laying out, opening, extending, widening, straightening, diverging, curving, contracting, or closing up, in whole or in part, any street, square, lane, alley, court, or place within municipalities or cities and counties of forty thousand inhabitants or over, and to condemn and acquire any and all land and property necessary or convenient for that purpose. [Approved March 23, 1893. Stats. 1893, p. 220.]

This act appears in full in General Laws, 1903, p. 1819.

Supp. Cal. Rep. Cit. 140, 360.

ACT 3932.

An act to provide a system of street improvement bonds to represent certain assessments for the cost of street work and improvement within municipalities, and also for the payment of such bonds. [Approved February 27, 1893. Stats. 1893, p. 33.]

Amended 1899, 40.

This act appears in full in General Laws, 1903, p. 1331.

See Code Commissioner's note to this act, Idem, p. 1331.

Supp. Cal. Rep. Cit. 138, 123; 139, 124; 139, 129; 139, 130; 139, 131; 144, 379.

SUPERVISORS.**ACT 3962.**

Authorizing boards of supervisors to transfer certain funds. [Stats. 1880, p. 133.]

Superseded by subd. 18, § 25, 1897, 463.

This act authorized the transfer of swamp land funds to the general fund.

Supp. Cal. Rep. Cit. 142, 449; 142, 450.

SURVEYORS.**ACT 3990.**

An act to define the duties of and to license land surveyors. [Approved March 31, 1891. Stats. 1891, p. 478.]

Amended 1903, 267.

This act appears in full in General Laws, 1903, p. 1345.

Supp. Cal. Rep. Cit. 142, 588.

SURVEYS.

ACT 3993.

An act to further perpetuate the markings of the government survey.

[Approved March 18, 1905. Stats. 1905, p. 102.]

Section 1. When in the performance of his official duties any county surveyor shall find a government corner which has been marked by any government surveyor by placing charcoal in the ground, or by a wooden stake, earth mound, or other perishable monument, it shall be his duty, to remark said corner by placing therein a monument of heavily galvanized iron pipe or galvanized iron stake not less than two inches in diameter and not less than two feet long, or other monument not less in size and equally imperishable.

Sec. 2. All such monuments located in public highways shall be placed with the top not less than twelve inches below the surface of the ground, but when not located in public highways, they shall be placed with the top six inches above the surface of the ground. If the top of the monument is placed above the ground, it shall be not less than four feet long, if of metal.

Sec. 3. The surveyor shall note witness objects that are within a reasonable distance of any corner, and state distance and course from said corner, and record the same in a properly indexed record book kept in the county surveyor's office, which shall be a public record.

Sec. 4. All boards of supervisors are required to furnish all necessary pipes or stakes for monuments for their respective counties without cost, on demand.

SUPREME COURT REPORTER.

ACT 3980.

Providing for the appointment of a deputy supreme court reporter. [Stats. 1881, p. 9.]

Repealed 1905, 210.

SUTTER'S FORT.

ACT 4017.

For the appointment of a guardian of Sutter's Fort, and prescribing his duties. [Stats. 1895, p. 56.]

Amended 1905, 171.

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SWAMP AND OVERFLOWED LANDS.

ACT 4031.

An act regulating the sale of the lands uncovered by the recession or drainage of the waters of inland lakes, and unsegregated swamp and overflowed lands, and validating sales and surveys heretofore made. [Approved March 24, 1893. Stats. 1893, p. 341.]

Amended 1899, 182.

This act appears in full in General Laws, 1903, p. 1352.

Supp. Cal. Rep. Cit. 143, 327; 143, 328; 143, 330; 143, 332.

TAXATION.

ACT 4035.

An act to establish a tax on gifts, legacies, inheritances, bequests, devises, successions and transfers, to provide for its collection, and to direct the disposition of its proceeds; to provide for the enforcement of liens created by this act and for suits to quiet title against claims of lien arising hereunder; to repeal an act entitled "An act to establish a tax on collateral inheritances, bequests, and devises, to provide for the collection, and to direct the disposition of its proceeds," approved March 23, 1893, and all amendments thereto, and all acts and parts of acts in conflict with this act.

[Approved March 20, 1905. Stats. 1905, p. 341.]

Section 1. All property which shall pass, by will or by the intestate laws of this state, from any person who may die seized or possessed of the same while a resident of this state, or if such decedent was not a resident of this state at the time of death, which property, or any part thereof, shall be within this state, or any interest therein, or income therefrom, which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor, vendor or bargainor, or intended to take effect in possession or enjoyment after such death, to any person or persons, or to any body politic or corporate, in trust or otherwise, or by reason whereof any person or body politic or corporate shall become beneficially entitled, in possession or expectancy, to any property, or to the income thereof, shall be and is subject to a tax hereinafter provided for, to be paid to the treasurer of the proper county, as hereinafter directed, for the use of the state; and such tax shall be and remain a lien upon the property passed or transferred until

paid and the person to whom the property passes or is transferred and all administrators, executors, and trustees of every estate so transferred or passed shall be liable for any and all such taxes until the same shall have been paid as hereinafter directed. The tax so imposed shall be upon the market value of such property at the rates hereinafter prescribed and only upon the excess over the exemptions hereinafter granted.

Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this act, such appointment when made shall be deemed a transfer taxable under the provisions of this act in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this act shall be deemed to take place to the extent of such omissions or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

Sec. 2. When the property or any beneficial interest therein so passed or transferred exceeds in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars the tax hereby imposed shall be:

(1.) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent, or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, *provided, however*, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

(2.) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of one and one half per centum of the clear value of such interest in such property.

(3.) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

(4.) Where the person or persons entitled to any beneficial interests in such property shall be the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

(5.) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is heretofore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

Sec. 3. The foregoing rates in section two are for convenience termed the primary rates. When the market value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

(1.) Upon all in excess of \$25,000 and up to \$50,000, one and one half times the primary rates.

(2.) Upon all in excess of \$50,000 and up to \$100,000, two times the primary rates.

(3.) Upon all in excess of \$100,000 and up to \$500,000, two and one half times the primary rates.

(4.) Upon all in excess of \$500,000, three times the primary rates.

Sec. 4. The following exemptions from the tax are hereby allowed:

(1.) All property transferred to societies, corporations, and institutions now or hereafter exempted by law from taxation, or to any public corporation, or to any society, corporation, institution, or association of persons engaged in or devoted to any charitable, benevolent, educational, public, or other like work (pecuniary profit not being its

object, or purpose), or to any person, society, corporation, institution, or association of persons in trust for or to be devoted to any charitable, benevolent, educational, or public purpose, by reason whereof any such person or corporation shall become beneficially entitled, in possession or expectancy, to any such property or to the income thereof shall be exempt.

(2.) Property of the clear value of ten thousand (\$10,000.00) dollars transferred to the widow or to a minor child of the decedent, and of four thousand (\$4000.00) dollars transferred to each of the other persons described in the first subdivision of section 2 shall be exempt.

(3.) Property of the clear value of two thousand (\$2000.00) dollars transferred to each of the persons described in the second subdivision of section 2 shall be exempt.

(4.) Property of the clear value of one thousand five hundred (\$1500.00) dollars transferred to each of the persons described in the third subdivision of section 2 shall be exempt.

(5.) Property of the clear value of one thousand (\$1000.00) dollars transferred to each of the persons described in the fourth subdivision of section 2 shall be exempt.

(6.) Property of the clear value of five hundred (\$500.00) dollars transferred to each of the persons and corporations described in the fifth subdivision of section 2 shall be exempt.

Sec. 5. When any grant, gift, legacy, or succession upon which a tax is imposed by section one of this act shall be an estate, income, or interest for a term of years, or for life, or determinable upon any future or contingent event, or shall be a remainder, reversion, or other expectancy, real or personal, the entire property or fund by which such estate, income, or interest is supported, or of which it is a part, shall be appraised immediately after the death of the decedent, and the market value thereof determined, in the manner provided in section fourteen of this act, and the tax prescribed by this act shall be immediately due and payable to the treasurer of the proper county, and, together with the interest thereon, shall be and remain a lien on said property until the same is paid; *provided*, that the person or persons, or body politic or corporate, beneficially interested in the property chargeable with said tax, may elect

not to pay the same until they shall come into the actual possession or enjoyment of such property, and in that case such person or persons, or body politic or corporate, shall execute a bond to the people of the State of California, in a penalty of twice the amount of the tax arising upon personal estate, with such sureties as the said superior court may approve, conditioned for the payment of said tax, and interest thereon, at such time or period as they or their representatives may come into the actual possession or enjoyment of such property, which bond shall be filed in the office of the county clerk of the proper county; *provided further*, that such person shall make a full and verified return of such property to said court, and file the same in the office of the county clerk within one year from the death of the decedent, and within that period enter into such security, and renew the same every five years.

Sec. 6. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess over and above the exemptions herein provided for shall be liable to said tax; and the superior court in which the probate proceedings are pending shall fix the compensation.

Sec. 7. All taxes imposed by this act, unless otherwise herein provided for, shall be due and payable at the death of the decedent, and if the same are paid within eighteen months, no interest shall be charged and collected thereon, but if not so paid, interest at the rate of ten per centum per annum shall be charged and collected from the time said tax accrued; *provided*, that if said tax is paid within six months from the accruing thereof a discount of five per centum shall be allowed and deducted from said tax. And in all cases where the executors, administrators, or trustees do not pay such tax within eighteen months from the death of the decedent, they shall be required to give a bond in the form and to the effect prescribed in section five of this act for the payment of said tax, together with interest.

Sec. 8. The penalty of ten per cent per annum imposed by section seven hereof, for the non-payment of said tax, shall not be charged in cases where, in the judgment of the court, by reason of claims made upon the estate, necessary

litigation, or other unavoidable cause of delay, the estate of any decedent, or a part thereof, cannot be settled at the end of eighteen months from the death of the decedent; and in such cases only seven per cent per annum shall be charged upon the said tax from the expiration of said eighteen months until the cause of such delay is removed, after which ten per cent interest per annum shall again be charged until the tax is paid; but litigation to defeat the payment of the tax shall not be considered necessary litigation.

Sec. 9. Any administrator, executor, or trustee having in charge or trust any legacy or property for distribution, subject to the said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon, upon the market value thereof, from the legatee or person entitled to such property, and he shall not deliver, or be compelled to deliver, any specific legacy or property subject to tax to any person until he shall have collected the tax thereon; and whenever any such legacy shall be charged upon or payable out of real estate, the executor, administrator, or trustee shall collect said tax from the distributee thereof, and the same shall remain a charge on such real estate until paid; if, however, such legacy be given in money to any person for a limited period, the executor, administrator, or trustee shall retain the tax upon the whole amount; but if it be not in money he shall make application to the superior court to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Sec. 10. All executors, administrators, and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as they may be enabled by law to do for the payment of debts of the estate, and the amount of said tax shall be paid as hereinafter directed.

Sec. 11. Every sum of money retained by an executor, administrator, or trustee, or paid into his hands, for any tax on property, shall be paid by him, within thirty days thereafter, to the treasurer of the county in which the probate proceedings are pending, and the said treasurer shall give, and every executor, administrator, or trustee shall take, duplicate receipts for such payment, one of which receipts

said executor, administrator, or trustee shall immediately send to the controller of the state, whose duty it shall be to charge the treasurer so receiving the tax with the amount thereof, and said controller shall seal said receipt with the seal of his office, and countersign the same, and return it to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts; and an executor, administrator, or trustee shall not be entitled to credits in his accounts, nor be discharged from liability for such tax, nor shall said estate be distributed, unless he shall produce a receipt so sealed and countersigned by the controller, or a copy thereof, certified by him, and file the same with the court.

Sec. 12. Whenever any debts shall be proven against the estate of a decedent after the payment of legacies or distribution of property from which the said tax has been deducted or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so deducted or paid shall be repaid to him by the executor, administrator, or trustee, if the said tax has not been paid to the county treasurer or to the state controller, or by them, if it has been so paid.

Sec. 13. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this state standing in the name of a decedent, or in trust for a decedent, liable to any such tax, the tax shall be paid to the treasurer of the proper county on the transfer thereof. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control securities, deposits, or other assets of a decedent, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives of said decedent, or upon their order or request, unless notice of the time and place of such intended delivery or transfer be served upon the county treasurer at least ten days prior to said delivery or transfer; nor shall any such safe deposit company, trust company, corporation, bank or other institution, person or persons deliver or transfer any securities, deposits or other assets of the estate of a non-resident decedent including the shares of the capital stock of or other

interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer, without retaining a sufficient portion or amount thereof to pay any tax and penalty which may thereafter be assessed on account of the delivery or transfer of such securities, deposits, or other assets including the shares of the capital stock of or other interests in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer, under the provisions of this act, unless the county treasurer consents thereto in writing. And it shall be lawful for the said county treasurer, personally, or by representative, to examine said securities, deposits or assets at the time of such delivery or transfer. Failure to serve such notice and to allow such examination, and to retain a sufficient portion or amount to pay such tax and penalty as herein provided, shall render said safe deposit company, trust company, corporation, bank or other institution, person or persons liable to the payment of two times the amount of the tax and penalty due or thereafter to become due upon said securities, deposits or other assets, including the shares of the capital stock of, or other interests in, the safe deposit company, trust company, corporation, bank or other institution, making the delivery or transfer; and the payment as herein provided shall be enforced in an action brought in accordance with the provisions of section seventeen of this chapter.

Sec. 14. When the value of any inheritance, devise, bequest, or other interest subject to the payment of said tax is uncertain, the superior court in which the probate proceedings are pending, on the application of any interested party, or upon its own motion, shall appoint some competent person as appraiser, as often as and whenever occasion may require, whose duty it shall be forthwith to give such notice, by mail, to all persons known to have or claim an interest in such property, and to such persons as the court may by order direct, of the time and place at which he will appraise such property, and at such time and place to appraise the same and make a report thereof, in writing, to said court, together with such other facts in relation thereto as said court may by order require to be filed with the clerk of said court; and from this report the said court shall, by order, forthwith assess and fix the market value of all inheritances, devises, bequests, or other interests,

and the tax to which the same is liable, and shall immediately cause notice thereof to be given, by mail, to all parties known to be interested therein; and the value of every future or contingent or limited estate, income, or interest shall, for the purposes of this act, be determined by the rule, method, and standards of mortality and of value that are set forth in the actuaries' combined experience tables of mortality for ascertaining the value of policies of life insurance and annuities, and for the determination of the liabilities of life insurance companies, save that the rate of interest to be assessed in computing the present value of all future interests and contingencies shall be five per centum per annum; and the insurance commissioner shall, on the application of said court, determine the value of such future or contingent or limited estate, income, or interest, upon the facts contained in such report, and certify the same to the court, and his certificate shall be conclusive evidence that the method of computation adopted therein is correct. The said appraiser shall be paid by the county treasurer out of any funds that he may have in his hands on account of said tax, on presentation of a sworn itemized account and on the certificate of the court, at the rate of five dollars per day for every day actually and necessarily employed in said appraisement, together with his actual and necessary traveling expenses.

Sec. 15. Any appraiser appointed by virtue of this act who shall take any fee or reward from any executor, administrator, trustee, legatee, next of kin, or heir of any decedent, or from any other person liable to pay said tax, or any portion thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than two hundred and fifty dollars nor more than five hundred dollars, or imprisoned in the county jail ninety days, or both, and in addition thereto the court shall dismiss him from such service.

Sec. 16. The superior court in the county in which is situate the real property of a decedent who was not a resident of the state, or if there be no real property, then in the county in which any of the personal property of such non-resident is situate, or in the county of which the decedent was a resident at the time of his death, shall have jurisdiction to hear and determine all questions in relation to the tax arising under the provisions of this act,

and the court first acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other.

Sec. 17. If it shall appear to the superior court, or judge thereof, that any tax accruing under this act has not been paid according to law, it shall issue a citation, citing the persons known to own any interest in or part of the property liable to the tax or any person or corporation liable under the law for the payment of said tax to appear before the court on a day certain, not more than ten weeks after the date of such citation, and show cause why said tax should not be paid. The service of such citation, and the time, manner, and proof thereof, and the hearing and determination thereon, and the enforcement of the determination or decree, shall conform to the provisions of chapter twelve, of title eleven, of part three of the Code of Civil Procedure; and the clerk of the court shall, upon the request of the district attorney or treasurer of the county, furnish, without fee, one or more transcripts of such decree, and the same shall be docketed and filed by the county clerk of any county in the state, without fee, in the same manner and with the same effect as provided by section six hundred and seventy-four of said Code of Civil Procedure for filing a transcript of an original docket.

Sec. 18. Whenever the treasurer of any county shall have reason to believe that any tax is due and unpaid under this act, after the refusal or neglect of the persons interested in the property liable to said tax to pay the same, he shall notify the district attorney of the proper county, in writing, of such failure to pay such tax, and the district attorney so notified, if he have probable cause to believe a tax is due and unpaid, shall prosecute the proceeding in the superior court, as provided in section seventeen of this act, for the enforcement and collection of such tax.

Sec. 19. The controller of state shall furnish to each county clerk a book, which shall be a public record, and in which he shall enter the name of every decedent upon whose estate an application has been made to the superior court for the issuance of letters of administration, or letters testamentary, or ancillary letters, the date and place of death of such decedent, the estimated value of his real and personal property, the names, places of residence, and relationship to him of his heirs-at-law, the names and places

of residence of the legatees and devisees in any will of any such decedent, the amount of each legacy and the estimated value of any real property devised therein, and to whom devised. These entries shall be made from the data contained in the papers filed on any such application, or in any proceeding relating to the estate of the decedent. The county clerk shall also enter in such book the amount of personal property of any such decedent, as shown by the inventory thereof when made and filed in his office, and the returns made by any appraiser appointed by the court under this statute, and the value of annuities, life estates, terms of years, and other property of such decedent, or given by him in his will or otherwise, as fixed by the superior court, and the tax assessed thereon, and the amounts of any receipts for payment of any tax on the estate of such decedent under this statute filed with him. The county clerk shall, on the first day of January, April, July and October of each year make a report, in duplicate, upon forms to be furnished by the controller of state, containing all the data and matters required to be entered in such book, and also of the property from which, or the party from which, he has reason to believe the tax under this act is due and unpaid, one of which shall be immediately delivered to the county treasurer and the other transmitted to the state controller.

Sec. 20. Whenever the superior court of any county shall certify that there was probable cause for issuing a citation and taking the proceedings specified in section seventeen of this act, the state treasurer shall pay, or allow, to the treasurer of any county, all expenses incurred for services of citation, and his other lawful disbursements that have not otherwise been paid.

Sec. 21. The treasurer of each county shall collect and pay the state treasurer all taxes that may be due and payable under this act, who shall give him a receipt therefor; of which collection and payment he shall make a report, under oath, to the controller, between the first and fifteenth days of May and December of each year, stating for what estate paid, and in such form and containing such particulars as the controller may prescribe; and for all such taxes collected by him and not paid to the state treasurer by the first day of June and January of each year he shall pay interest at the rate of ten per centum per annum.

Sec. 22. The treasurer of each county shall be allowed to retain, on all taxes paid and accounted for by him each year under this act, in addition to his salary or fees now allowed by law, three per centum on the first fifty thousand dollars so paid and accounted for by him, one and one half per centum on the next fifty thousand dollars so paid and accounted for by him, and one half of one per centum on all additional sums so paid and accounted for by him.

Sec. 23. The treasurer of each county, in his discretion, for the better furtherance of the purposes of this act, shall be allowed to employ such special attorney or attorneys, as he may deem necessary, who shall have all of the authority conferred upon the district attorney by sections 17 and 18 of this act, and such attorney shall be paid for his services out of the fees now allowed the treasurer as provided in section 22 of this act, and that in no case shall such compensation exceed the per centum allowed as such fees.

Sec. 24. Any person, or body politic or corporate, shall, upon payment of the sum of fifty cents, be entitled to a receipt from the county treasurer of any county, or a copy of the receipt, at his option, that may have been given by said treasurer for the payment of any tax under this act, to be sealed with the seal of his office, which receipt shall designate on what real property, if any, of which any decedent may have died seized, said tax has been paid, and by whom paid, and whether or not it is in full of said tax; and said receipt may be recorded in the clerk's office in the county in which said property is situate, in a book to be kept by said clerk for such purpose, which shall be labeled "inheritance tax."

Sec. 25. All taxes levied and collected under this act, up to the amount of \$250,000 annually, shall be paid into the treasury of the state, for the uses of the state school fund, and all taxes levied and collected in excess of \$250,000 annually shall be paid into the state treasury to the credit of the general fund thereof.

Sec. 26. Every officer who fails or refuses to perform, within a reasonable time, any and every duty required by the provisions of this act, or who fails or refuses to make and deliver within a reasonable time any statement or record required by this act, shall forfeit to the State of Cali-

fornia the sum of one thousand dollars, to be recovered in an action brought by the attorney-general in the name of the people of the state on the relation of the controller.

Sec. 27. An act entitled "An act to establish a tax on collateral inheritances, bequests and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and all amendments thereto, and all acts and parts of acts in conflict with this act are hereby expressly repealed.

Sec. 28. The words "estate" and "property" as used in this act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state. The word "transfer" as used in this act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein described. The word "decedent" as used in this act shall include the testator, intestate, grantor, bargainor, vendor, or donor.

Sec. 29. In all cases where any tax has become or shall hereafter become a lien upon any property under or by virtue of any of the provisions of this act the district attorney of the county in which the estate of the decedent mentioned in this act is being administered, or has been administered in probate proceedings, may, whenever any property of said estate has been distributed without the payment to the state of all or any part of the taxes payable on account thereof under this act, bring and prosecute an action or actions in the name of the state as plaintiff, for the purpose of enforcing such lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was deraigned through any such decedent by will or succession or by decree of distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed

to be exclusive, but the joinder or nonjoinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

(a) Actions may be brought against the state for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under this act, or for the purpose of having it determined that any property is not subject to any lien for taxes under this act. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate or of any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other persons who might be made parties defendant in any action brought by the state under the provisions of this section, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or nonjoinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

(b) All actions under this section shall be commenced in the superior court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be brought in the superior court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned herein.

(c) Service of summons in the actions brought against the state shall be made on the secretary of state and on the

district attorney of the county in which the estate of the decedent mentioned herein is being administered, or has been administered in probate proceedings, and it shall be the duty of said district attorney to defend all such actions.

(d) The procedure and practice in all actions brought under this section, except as otherwise provided in this act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals.

(e) The remedies provided in this section shall be in addition to and not exclusive of any remedies provided in the sections preceding this section.

Sec. 30. This act shall take effect and be in force from and after July 1, 1905.

ACT 4036.

An act authorizing the bringing of actions on behalf of the state for the purpose of enforcing the lien or liens of taxes under an act entitled "An act to establish a tax on collateral inheritance, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds," approved March 23, 1893, and the several acts amendatory thereof; and to authorize the bringing and prosecution of actions against the state, for the purpose of quieting title against claims of liens made by or upon behalf of the state under the said act and the acts amendatory thereof, and to regulate the procedure in such actions.

[Approved March 20, 1905. Stats. 1905, p. 374.]

Section 1. In all cases where any tax has become or shall hereafter become a lien upon any property under or by virtue of any of the provisions of an act entitled "An act to establish a tax on collateral inheritances, bequests and devises, to provide for its collection and to direct the disposition of the proceeds" approved March 23, 1893, and the several acts amendatory thereof, the district attorney of the county in which the estate of the decedent mentioned in said act and the acts amendatory thereof is being administered or has been administered in probate proceedings, may, whenever any property of said estate has been distributed without the payment to the state of all or any part of the taxes payable

on account thereof under said act and the acts amendatory thereof, bring and prosecute an action or actions in the name of the state as plaintiff, for the purpose of enforcing such lien or liens against all or any of the property subject thereto. In any such action the owner of any property or of any interest in property against which the lien of any such tax is sought to be enforced, and any predecessor in interest of any such owner whose title or interest was deraigned through any such decedent by will or succession or by decree of distribution of the estate of such decedent, and any lienor or incumbrancer subsequent to the lien of such tax may be made a party defendant. The enumeration in this section of the persons who may be made defendants shall not be deemed to be exclusive, but the joinder or nonjoinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases.

Sec. 2. Actions may be brought against the state for the purpose of quieting the title to any property, against the lien or claim of lien of any tax or taxes under said act of March 23, 1893, and the several acts amendatory thereof, or for the purpose of having it determined that any property is not subject to any lien for taxes under said act and the acts amendatory thereof. In any such action, the plaintiffs may be any administrator or executor of the estate or will of any decedent who has died since the said act of March 23, 1893, went into effect, or who may hereafter die, whether the said estate shall have been fully administered and the estate settled and closed or not, and any heir, legatee or devisee of any such decedent, or trustee of the estate or of any part of the estate of such decedent, or distributee of the estate or of any part of the estate of any such decedent, and any assignee, grantee or successor in interest of any of such persons, and all or any other persons who might be made parties defendant in any action brought under the provisions of section one of this act, and notwithstanding that all or any of the persons enumerated in this section shall or may have assigned, granted, conveyed or otherwise parted with all or any interest in or title to the property, or any thereof, involved in any such claim of lien before the commencement of such action. All or any of the persons in this action enumerated may be joined or united as parties plaintiff. The enumeration in this section of the persons who may be made parties shall not be deemed to be exclusive, but the joinder or

nonjoinder of parties, except when otherwise herein provided, shall be governed by the rules in equity in similar cases. In all cases any person who might properly be a party plaintiff in any such action who refuses to join as plaintiff may be made a defendant.

Sec. 3. All actions under sections 1 and 2 of this act shall be commenced in the superior court of the county in which is situated any part of any real property against which any lien is sought to be enforced, or to which title is sought to be quieted against any lien, or claim of lien; but if in said action no lien against real property is sought to be enforced, the action shall be brought in the superior court of the county which has or which had jurisdiction of the administration of the estate of the decedent mentioned in said sections 1 and 2.

Sec. 4. Service of summons in the actions mentioned in section 2 hereof shall be made on the secretary of state and on the district attorney of the county in which the estate of the decedent mentioned in said section is being administered, or has been administered in probate proceedings, and it shall be the duty of said district attorney to defend all such actions.

Sec. 5. The procedure and practice in all actions brought under this act, except as otherwise provided in this act, shall be governed by the provisions of the Code of Civil Procedure in relation to civil actions, so far as the same shall or may be applicable, including all provisions relating to motions for new trials and appeals.

Sec. 6. The remedies provided in this act shall be in addition to and not exclusive of any remedies provided in the said act of March 23, 1893, and the several acts amendatory thereof.

ACT 4037.

An act authorizing the governor to appoint an expert in taxation and public finance, to sit as a member of a commission to be composed of himself and a general committee of the senate and assembly of the 36th session of the legislature of the state of California, of which commission the governor shall be ex-officio a member and chairman, to investigate the system of revenue and taxation in force in this state, and to recommend a plan for the revision and reform thereof; to provide for the creation of said commission, and to

define its powers, and making an appropriation therefor.

[Approved March 20, 1905. Stats. 1905, p. 390.]

Section 1. If and when the senate and assembly of the 36th session of the legislature of the State of California shall provide for the appointment, and there shall be appointed pursuant to said provision, a joint committee of said senate and assembly to investigate the system of revenue and taxation in force in this state, and to recommend a plan for the revision and reform thereof, the governor is authorized to appoint an expert in taxation and public finance, to sit with said committee, and with said committee to constitute a commission upon the revision and reform of the system of revenue and taxation in force in this state. The governor shall be ex-officio a member of said commission and shall be chairman thereof.

Sec. 2. Said expert shall hold his office at the pleasure of the governor.

Sec. 3. The compensation of said expert shall be fixed by the said commission in an amount not to exceed two hundred and fifty dollars per month.

Sec. 4. Said commission is authorized and empowered to do any and all things necessary to make a full and complete investigation of the matters and things hereinabove enumerated, and to that end to employ all necessary clerical and expert assistance, and that said commission be and it hereby is authorized and empowered to send for persons and papers, and to take all necessary means to procure the attendance of witnesses and testimony; and the members of said commission are, and each of them is, hereby authorized to administer oaths; and that all the provisions of article eight, of chapter two, title one, part three, of the Political Code of this State, relative to the "attendance and examination of witnesses before the legislature and committees thereof," shall apply to the commission; and that the sergeant-at-arms of either the senate or the assembly is hereby authorized and directed to serve and all subpoenas and orders or other process that may be issued by the chairman of said commission, when directed to do so by the said chairman.

Sec. 5. The members of said commission, other than the chairman and the member appointed by the governor, shall be paid the sum of ten dollars (\$10) per diem and their

necessary expenses, while actually engaged in the performance of their duties as prescribed in this act.

Sec. 6. There is hereby appropriated out of the general fund, not otherwise appropriated, the sum of ten thousand dollars, or so much thereof as may be necessary, for the purposes of this act.

Sec. 7. This act shall take effect immediately.

ACT 4040.

An act to establish a tax on collateral inheritances, bequests, and devises, to provide for its collection, and to direct the disposition of the proceeds. [Approved March 23, 1893. Stats. 1893, p. 193.]

Amended 1895, 38; 1897, 77; 1899, 101; 1903, 55, 268.

Repealed 1905, p. 341.

This act appears in full in General Laws, 1903, p. 1856.

See ante, Acts 4035 and 4036.

Supp. Cal. Rep. Cit. 139, 533; 139, 534; 139, 538; 139, 540; 139, 541; 139, 542; 140, 468; 143, 626; 145, 49; 145, 50; 145, 51; 145, 52.

ACT 4043.

An act to provide for the levy and collection of taxes by and for the use of municipal corporations and cities incorporated under the laws of the state of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations. [Stats. 1895, p. 219.]

Amended 1905, 429.

This act, with the exception of the amendment of 1905, appears in full in General Laws, 1903, p. 1866.

ACT 4052.

An act concerning the assessment of animals. [Approved March 30, 1872. Stats. 1871-2, p. 754.]

Attempted to be modified by 1873-4, 376, which was, however, declared unconstitutional in *People v. Townsend*, 56 Cal. 634. The decision seems applicable to both statutes.

This act appears in full in General Laws, 1903, p. 1876.

Supp. Cal. Rep. Cit. 143, 432.

ACT 4061.

An act prescribing the form of complaint in actions to recover delinquent taxes, and to authorize the bringing of suits therefor. [Approved April 23, 1880. Stats. 1880, p. 136 (Ban. ed. 402).]

Repealed in part by Political Code, § 8670, as amended 1883, 65. (San Diego v. Southern Pacific R. Co., 108 Cal. 46.) On the point as to whether this act is still in force, see San Bernardino Co. v. Southern Pac. R. R. Co., 70 Pac. 782.

This acts appears in full in General Laws, 1903, p. 1879.

Supp. Cal. Rep. Cit. 144, 361; 145, 60.

THEATERS.**ACT 4099.**

An act making it unlawful to refuse admission to places of amusement. [Stats. 1893, p. 220.]

Codified by amendments of Civil Code, 1905. See note to § 53. Civil Code Supp.

This act appears in full in General Laws, 1903, p. 1883.

TRADING STAMPS.**ACT 4123.**

An act making it a misdemeanor to sell or exchange property under the representation, advertisement, notice or inducement that an unidentified, unknown, unselected, or chance prize, premium or premium-gift, or that a stamp, trading-stamp, coupon or other like device entitling the holder to receive such a prize, premium or premium-gift, or that the redemption of such a stamp, trading-stamp, coupon or other like device so given is to be part of the transaction, or to sell or exchange any trading-stamp, stamp, coupon or other like device to aid such sale or exchange, as aforesaid, and providing a penalty therefor.

[Approved March 7, 1905. Stats. 1905, p. 67.]

Section 1. Whoever sells or exchanges any property or offers or attempts so to do upon a representation advertisement notice or inducement that anything unidentified by or unselected by the purchaser at or before the time of the sale or exchange or upon a representation advertisement notice or inducement that anything whose precise nature is not so known to the purchaser at the time of the sale or exchange as to be completely identified beyond the necessity of any further or other selection or upon a representation

notice advertisement or inducement that any property whose selection will depend upon chance or hazard in any manner whatsoever is or is to be delivered or received or is in any way connected with or is a part of the transaction as a prize, premium or premium gift; or whoever sells or exchanges any property or offers or attempts so to do upon a representation advertisement notice or inducement that a stamp, trading-stamp, coupon or other device which entitles the purchaser to demand or receive either from the vendor or from any other person company association or corporation any other property unselected by or unidentified by the purchaser at or before the time of the said sale or exchange, or which entitles the purchaser to demand or receive either from the vendor or from any other person corporation association or company anything whose precise nature is not so known to the purchaser at the time of the said sale or exchange as to be completely identified beyond the necessity of any further or other selection, or which entitles the purchaser to receive or demand either from the vendor or from any other person, corporation association or company any property whose selection will depend upon chance or hazard in any manner whatsoever, is to be delivered or received or is in any way connected with or is a part of the transaction as a prize, premium or premium-gift; or whoever sells or exchanges any trading stamp, stamp, coupon or other like device upon a contract to enable the purchaser to sell or exchange property, or attempt so to do, upon any representation, advertisement, notice or inducement of any kind hereinbefore mentioned; or whoever delivers any goods wares or merchandise upon the presentation of any such stamp coupon or other like device so given or caused to be given shall for each offense be guilty of a misdemeanor and be punishable by a fine of not less than twenty dollars or more than five hundred dollars, or imprisonment in a county jail for not less than ten days nor more than six months, or by both; *provided, however*, that the provisions of this act shall not apply or extend in any manner to the redemption of any such stamp, trading stamp, coupon or other like device that may have been issued as a premium, prize or premium-gift prior to the time this act takes effect; *and provided further* that the provisions of this act shall not apply or extend to any sale or exchange of articles in bulk, heap or mass, or a part or portion thereof, which sale or exchange is not made, effected or induced by or upon any

representation, advertisement, notice or inducement of any kind hereinbefore specified.

TREASURERS.

ACT 4134.

An act to authorize the deposit of state moneys in banks in this state, and to repeal all acts or parts of acts in conflict with this act.

[Approved March 20, 1905. Stats. 1905, p. 323.]

Section 1. All moneys in the state treasury belonging to the state not immediately required to meet current expenditures may be deposited by the state treasurer to the credit of the state in such state or national bank, or banks, in the state, as the treasurer, with the approval of the governor and state controller, shall select for the safe-keeping of such deposits, and any sum so deposited shall be deemed to be in the state treasury; *provided*, that the bank or banks in which such money is deposited shall furnish security as hereinafter provided, *and provided further*, that such depositary bank or banks be selected from those agreeing to pay the highest rate of interest, not less than two per cent per annum, for such deposits, as may be determined by bids to be submitted at such times and in such manner, as the treasurer, with the approval of the governor and state controller, shall direct; *provided*, that not more than one-tenth of the aggregate amount of state moneys available for deposit and on deposit shall be deposited in any one bank, *and provided further*, that such deposit shall not exceed twenty-five per cent of the paid-up capital, exclusive of reserve and surplus, of any depositary bank. Any and all bids may be rejected by the treasurer, with the approval of the governor and state controller, and new bids asked for. The expense of transportation of moneys to and from the state treasury to such depositaries shall be borne by such depositaries. Said deposits, with interest thereon, shall be subject to withdrawal at any time upon the demand of the state treasurer, or upon presentation of a certificate of deposit properly indorsed.

Sec. 2. The interest to be paid by any such depositary bank shall be on the average daily balances of the state moneys kept on deposit therewith, and shall be paid and credited to the state monthly on the first day of each and every month, and such interest shall accrue to the general fund of the state treasury.

Sec. 3. For the security of the funds deposited by the state treasurer under the provisions of this act, there shall be deposited with the treasurer bonds of the United States, or of this state, or of any county, municipality or school district within this state, which bonds shall be approved by the governor, controller and treasurer, to an amount in value at least 10 per cent in excess of the amount of the deposit with such bank or banks; and if in any case, or at any time, such bonds are not deemed satisfactory security to the governor, controller and treasurer, they may require such additional security as may be satisfactory to them. Said bonds or any part thereof may be withdrawn on the written consent of the governor, controller and treasurer; *provided*, that a sufficient amount of said bonds to secure said deposits shall always be kept in the treasury; and in the event that said bank or banks of deposit shall fail to pay such deposits or any part thereof on the demand of the state treasurer, or upon any presentation of a certificate of deposit properly indorsed, then it shall be the duty of the state treasurer to forthwith convert said bonds into money and to disburse the same according to law.

Sec. 4. The treasurer shall take from such depository or depositories a written contract, in duplicate setting forth the conditions and terms upon which the funds of the state are deposited therewith, one of which shall be filed with the controller. One provision of said contract shall be that each depository shall at the end of each month render to the treasurer a statement in duplicate showing the daily balances or amount of money of the state held by it during the month and the amount of the accrued interest thereon separately, one of which shall be filed by the treasurer with the controller. The treasurer shall annually on the first day of July furnish each depository bank with a statement showing the amount and description of the bonds on deposit with him by such bank to secure state deposits.

Sec. 5. The treasurer, with the approval of the governor and controller, shall, if in his judgment it shall appear necessary for the security of the state, require said banks of deposit to give an indemnity bond, the sureties on which shall not be interested as stockholders in said bank or banks, to be approved by the governor, controller and treasurer, to secure the state against loss by any depreciation in value that may occur in such bonds held by him as security for

the safe-keeping and prompt payment of the state moneys in such depositories.

Sec. 6. The state treasurer shall not be responsible for any moneys deposited in a bank or in banks under the provisions of this act while the same remain there deposited with the consent of the governor and controller; but the treasurer shall be chargeable with the safe-keeping, management and disbursement of the bonds and certificates of deposit deposited with him as security for deposits of state moneys, and with the interests thereon, and the proceeds of any sale under the provisions of this act.

Sec. 7. At the time of depositing state moneys in any bank designated as a depository the treasurer shall take a certificate or certificates of deposits made payable to the treasurer of state in such sum or sums as he shall deem advisable. Such certificate or certificates of deposit in the possession of the treasurer shall be deemed and counted as cash by the state board of examiners. Controller's warrants drawn upon the state treasury may be paid by such certificates of deposit when properly indorsed by the treasurer the same as in cash.

Sec. 8. All acts or parts of acts in conflict with this act are hereby expressly repealed.

Sec. 9. This act shall take effect on July 1, 1905.

UNIVERSITY OF CALIFORNIA.

ACT 4253.

Intoxicating liquors, prohibiting sale of within two miles of. [Stats. 1873-4, p. 12.]

Superseded by Penal Code, § 172, as amended April 3, 1876.

Codified by amendment of Penal Code, 1905. See note to § 172, Penal Code Supp.

ACT 4256.

An act authorizing the board of regents of the University of California to exchange the tract of land now constituting the Santa Monica Forestry Station. [Approved March 20, 1905. Stats. 1905, p. 569.]

ACT 4257.

An act to create a department of music in the university of the State of California; to provide a professorship of music and to appropriate money therefor. [Approved March 22, 1905. Stats. 1905, p. 801.]

ACT 4258.

An act providing for the establishment and maintenance of a pathological laboratory, for the investigation of tree and plant diseases and pests, and branch agricultural experiment station, and making an appropriation therefor. [Approved March 18, 1905. Stats. 1905, p. 249.]

ACT 4259.

An act authorizing the regents of the University of California to hold farmers' institutes, making an appropriation therefor, and prescribing the duties of the controller and treasurer in relation thereto. [Approved March 18, 1905. Stats. 1905, p. 225.]

ACT 4260.

An act to establish and maintain a state hygienic laboratory for bacteriological and chemical analysis for the use of the state board of health, providing for the appointment of a director thereof, and assistants; making an appropriation therefor and prescribing the duties of the state controller and state treasurer in relation thereto. [Approved March 18, 1905. Stats. 1905, p. 209.]

ACT 4260a.

An act providing for the purchase of a university farm for the use of the college of agriculture of the University of California; providing for the appointment of a commission to select and purchase said farm, providing for a school of agriculture and a system of instruction on said farm and appropriating money therefor. [Approved March 18, 1905. Stats. 1905, p. 131.]

VALLEJO.**ACT 4265.**

Charter of. [Stats. 1899, p. 370.]

Supp. Cal. Rep. Cit. 139, 168.

VETERANS' HOME.**ACT 4283.**

To accept from the veterans' home association the conveyance of, and to vest the title in the state of California, to the tract of land in Napa County known as the veterans' home, with the improvements and furnishings

thereon, to make the same a state home for United States soldiers, sailors, and marines, and to provide for the government thereof by the state. [Stats. 1897, p. 106.]

Amended 1903, 321; 1905, 471.

ACT 4286.

Appropriation for the support of indigent persons residing in Veterans' Home. [Stats. 1883, p. 55.]

Amended 1887, 6; 1893, 214; 1889, 147; 1901, 275; 1905, 191.

ACT 4289.

An act to authorize and provide for the transfer of the Veterans' Home of California, its property, management, control and support to the government of the United States, its officers and authorities, to be conducted as a national home under such laws as now exist or which may hereafter be enacted by congress; and for the conveying of the property of said home, both real and personal, belonging to the State of California, situate in Napa County, to the government of the United States, for such purpose. [Approved March 20, 1905. Stats. 1905, p. 495.]

ACT 4290.

An act authorizing the directors of the Veterans' Home of California to purchase and take over, for the State of California, to be used and controlled by said board in the interests of the Veterans' Home of California, a certain piece of land adjoining the premises of the said Veterans' Home of California in the county of Napa, and appropriating the sum of three thousand dollars to pay for the purchase of the same. [Approved March 18, 1905. Stats. 1905, p. 167.]

WAREHOUSES.

ACT 4318.

Relating to warehouse and wharfinger receipts and other matters pertaining thereto. [Stats. 1877-8, p. 949.]

This act appears in full in Civil Code, 1903, Appendix, p. 778. Codified by amendments of Civil Code, 1905. See note to

§ 1858, Civil Code Supp.

See post, Act 4319.

ACT 4319.

An act concerning warehouse receipts, and the issuing, sale and transfer thereof, and the sale of goods, wares and merchandise stored in public or private warehouses in other states.

[Approved March 20, 1905. Stats. 1905, p. 322.]

Section 1. That it shall be unlawful for any corporation, firm or person, their agents or employes, to issue, sell, pledge, assign or transfer in this state, any receipt, certificate or other written instrument purporting to be a warehouse receipt, or in the similitude of a warehouse receipt, or designed to be understood as a warehouse receipt, for goods, wares or merchandise stored or deposited, or claimed to be stored or deposited, in any warehouse, public or private, in any other state, unless such receipt, certificate or other written instrument, shall have been issued by the warehouseman operating such warehouse.

Sec. 2. It shall be unlawful for any corporation, firm or person, their agents or employes, to issue, sell, pledge, assign or transfer in this state, any receipt, certificate or other written instrument for goods, wares or merchandise claimed to be stored or deposited, in any warehouse, public or private, in any other state, knowing that there is no such warehouse located at the place named in such receipt, certificate or other written instrument, or if there be a warehouse at such place, knowing that there are no goods, wares or merchandise stored or deposited therein as specified in such report, certificate or other written instrument.

Sec. 3. It shall be unlawful for any corporation, firm or person, their agents or employes, to issue, sign, sell, pledge, assign or transfer, in this state, any receipt, certificate or other written instrument evidencing, or purporting to evidence, the sale, pledge, mortgage or bailment of any goods, wares or merchandise stored or deposited, or claimed to be stored or deposited, in any warehouse, public or private, in any other state, unless such receipt, certificate or other written instrument shall plainly designate the number and location of such warehouse, and shall also set forth therein a full, true and complete copy of the receipt issued by the warehouseman operating such warehouse wherein such goods, wares or merchandise are stored or deposited, or are claimed to be stored or deposited: *Provided*, that the provisions of this section shall not apply to the issue, signing,

sale, pledge, assignment or transfer of bona fide warehouse receipts issued by the warehouseman operating public or bonded warehouses in other states, according to the laws of the state wherein such warehouses may be located.

Sec. 4. Every corporation, firm or person, agent, or employé, who shall knowingly violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty nor more than one thousand dollars, to which may be added imprisonment in the county jail for any period not exceeding six months.

WATER COMPANIES.

ACT 4347.

Regulating and controlling the sale, rental and distribution of appropriated water in this state other than in any city, city and county, or town therein, and to secure the rights of way for the conveyance of such water to the place of use. [Stats. 1885, p. 95.]

Amended 1897, 49; 1901, 80.

This act appears in full in Civil Code, 1908, Appendix, p. 781.

Supp. Cal. Rep. Cit. 139, 28.

WATERS.

ACT 4352.

An act to provide for the joint investigation with the federal government of the water resources of the state, and the best methods of preserving the forests thereof; and to make an appropriation for the expenses of such investigations.

[Approved March 18, 1905. Stats. 1905, p. 152.]

Section 1. The state board of examiners are hereby empowered to enter into contracts with the director of the United States Geological Survey for the purpose of making topographic maps to the extent of thirty thousand dollars; also for the purpose of gauging streams, determining underground water supplies, surveying reservoir sites and canal locations, for the conservation and utilization of waters of the state, to the extent of twenty thousand dollars; also for the purpose of investigating the economic quality and purity of the water of the state, to the extent of one thousand dollars, *provided*, no work of the nature heretofore stated shall be done where the same will interfere with the

water already appropriated or in reservoirs or now in use for irrigation purposes, or domestic purposes, under the laws of this state; also with the chief of the Bureau of Forestry of the Department of Agriculture for the purpose of studying the forest resources of the state and their proper conservation, and especially with a view of formulating a proper state forestry policy, to the extent of ten thousand dollars; also with the director of the Office of Experiment Stations of the Department of Agriculture for the purpose of ascertaining the best methods of distributing and using the water, to the extent of fifteen thousand dollars, *provided, however*, that these expenditures for such purposes shall not be in excess of the amounts to be expended by the various departments of the federal government in collaboration with the specific work named above; *and provided further*, that in case any of the departments of the federal government above mentioned do not contribute these funds for said co-operation, that the state board of examiners shall have power to enter into such contracts as may seem best to them with the lawfully authorized representatives of any of the departments of the federal government for the expenditure of said remaining balance; *and provided further*, that said last-mentioned expenditure for such purpose shall not be in excess of the amount to be expended by that department of the federal government in collaboration with the state.

Sec. 2. In order to carry out the purposes of this act, any person or persons employed hereunder are authorized to enter and cross all lands within this state; *provided*, in so doing no damage is done to private property; it shall be a misdemeanor, punishable as provided in such cases, for any person or persons to willfully and maliciously remove or destroy any permanent marks or monuments made or erected by any such persons.

Sec. 3. The sum of seventy-six thousand dollars is hereby appropriated for the purposes specified in this act, and the controller of state is hereby authorized and directed to draw warrants upon such fund from time to time, upon the requisition of the state board of examiners and the state treasurer is hereby authorized and directed to pay such warrants; *provided*, one half of the appropriation herein shall be available in the fifty-seventh fiscal year, and the remaining one half of said appropriation shall be available in the fifty-eighth fiscal year, except that one half the funds for

making topographic maps shall be available during the twelve months immediately following the passage of this act, and the remaining one half of this fund shall be available during the second twelve months following the passage of this act.

Sec. 4. It is hereby made the duty of the surveyor-general and the engineer of the board of public works to render any assistance desired by the state board of examiners in furtherance of the aims of this act.

This act shall take effect and be in force on and after the passage of this act.

WATSONVILLE.

ACT 4370.

Charter of. [Stats. 1903, p. 647.]

Supp. Cal. Rep. Cit. 143, 472.

WHITTIER STATE SCHOOL.

ACT 4408.

To establish the Whittier Reform School for Juvenile Offenders. [Stats. 1889, p. 111.]

Amended 1893, 328; 1905, 80.

This act, with the exception of the amendment of 1905, appears in full in Penal Code, 1903, Appendix, p. 669.

Supp. Cal. Rep. Cit. 138, 495.

ACT 4409.

An act to prevent evil-disposed persons from coming upon the grounds of the Whittier State School at Whittier, California, or the Preston School of Industry at Ione. [Stats. 1895, p. 92.]

Codified by amendments of Penal Code, 1905. See note to § 171a, Penal Code Supp.

This act appears in full in Penal Code, 1903, Appendix, p. 688.

ACT 4410.

Relating to the commitments to the state school at Whittier and to the Preston School of Industry, fixing the authority to examine and commit to such schools with the superior court judges of the counties, and fixing the responsibilities from which commitments are made to the state for the maintenance of the persons committed therefrom; providing the manner of payment therefor

and fixing the responsibility of the parents to the counties from which their children are committed. [Stats. 1895, p. 122.]

This act appears in full in Penal Code, 1903, Appendix, p. 686.

Supp. Cal. Rep. Cit. 138, 494; 138, 495.

ACT 4411.

An act to authorize the board of trustees of the Whittier State School to contract for the care and keeping of girls committed to said school in charitable or benevolent institutions or with private persons, and to pay for their care while in such institution or with such persons. [Approved March 18, 1905. Stats. 1905, p. 226.]

YOSEMITE VALLEY.

ACT 4467.

To appropriate money for the survey, location, and construction of a free wagon road from the town of Mariposa in Mariposa County, to the Yosemite Valley. [Stats. 1895, p. 87.]

Repealed 1905, 798.

ACT 4470.

An act to recede and regrant unto the United States of America, the "Yosemite Valley," and the land embracing the "Mariposa Big Tree Grove." [Approved March 3, 1905. Stats. 1905, p. 54.]

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